International Labour Conference

Eighty-fifth Session Geneva 1997

Record of Proceedings

International Labour
Office Geneva

INTERNATIONAL LABOUR
CONFERENCE

EIGHTY-FIFTH SESSION
GENEVA, 1997

RECORD OF PROCEEDINGS

INTERNATIONAL LABOUR OFFICE
GENEVA

ISBN 92-2-109897-4
ISSN 0074-6681

First published 1997

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Printed in Switzerland **ROT**

Corrigenda

Report of the Committee on the Application of Standards (Provisional Record No. 19)

Page 19/87, first column, fourth paragraph, tenth line: for "limitations imposed on the right to organize", read "limitations imposed on the right to strike".

Note: Any additional corrigenda to this volume will be published in the *Record of Proceedings* of the 86th Session of the International Labour Conference.

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First sitting

Tuesday, 3 June 1997, 11 a.m.

Presidents: Mr. Brett, Worker Vice-Chairperson of the Governing Body of the International Labour Office, and Ms. Keltošová

OPENING OF THE SESSION

Mr. BRETT *(Worker Vice-Chairperson of the Governing Body of the International Labour Office)* — I have the greatest pleasure to declare open the 85th Session of the International Labour Conference.

ELECTION OF THE PRESIDENT OF THE CONFERENCE

Mr. BRETT — Our first task is to elect a President of the Conference. I call upon Ambassador Zahran, Chairperson of the Government group, to propose the candidature for President of the Conference.

Mr. ZAHRAN *(Government delegate, Egypt)* — On behalf of the whole Government group, I have the honour and pleasure to nominate Her Excellency, Ms. Olga Keltošová, Minister of Labour, Social Affairs and Family of the Slovak Republic, for the post of President of the 85th Session of the International Labour Conference.

Ms. Keltošová graduated from the philosophical faculty of Bratislava University, where she studied journalism. She worked as a journalist during her studies at university and after and until the year 1968. Later on she worked as a translator and interpreter and devoted herself to creative work for children. After the collapse of the Communist regime in 1989 and democratic changes in her country, she started her political career. From 1990 to 1991 she served as vice-chairperson of the National Council of Slovakia. At the same time, as a member of the Committee for Social Affairs and Health of the National Council, she contributed to the changes in the social system in Slovakia. In 1992 Ms. Keltošová was appointed Minister of Labour, Social Affairs and Family and served in this position until 1994. After the election in the same year she was reappointed to the same post. Minister Keltošová also has experience in the international field. Inter alia, she led the delegation of her country at the Fourth World Conference on Women in Beijing and the World Congress on Commercial Sexual Exploitation of Children in Stockholm. She participated at the 80th, 82nd and 83rd Sessions of the International Labour Conference in 1993, 1995 and 1996 respectively. She also participated in numerous multilateral fora in the European context. Minister Keltošová personally contributed to the establishment of the International Centre for Family Studies located in Bratislava, which later affiliated to the United Nations. In 1994 she initiated the review conference of the National Coordination Committee of the International Year of the Family held in Bratislava. Minister Keltošová regularly publishes articles focusing on labour, social policy and social protection issues.

We are certain that the skills and experience of Minister Keltošová will enable her to guide efficiently and successfully the work of the Conference. We hope that this session of the International Labour Conference will unanimously elect Ms. Olga Keltošová as its President.

Original French: Mr. OECHSLIN *(Employers' delegate, France)* — On behalf of the Employers' group, it is with pleasure that I second the nomination of Ms. Olga Keltošová, Minister of Labour, Social Affairs and Family of the Slovak Republic, as President of this Conference. Her career has already been outlined. I would merely say that she has two qualities which I deem essential for President of the Conference — experience as Minister of Labour, Social Affairs and Family but also experience as a parliamentarian.

I am certain that Ms. Keltošová will be an excellent President of this session of the International Labour Conference. We are pleased, too, to be presided over by a representative of the Slovak Republic.

Mr. SIBANDA *(Workers' delegate, Zimbabwe)* — On behalf of the Workers' group, it is my signal honour and privilege to second the nomination of the Honourable Minister of Labour, Social Affairs and Family of Slovakia, Ms. Olga Keltošová. It is the Workers' group belief and trust that her experience and wisdom and the rich qualifications that have been already enumerated by the Honourable Ambassador will enable her to guide this Conference to rich and progressive conclusions. Conscious that the ILO Conference is a major event in the world of work for the workers, I second the nomination of the Honourable Minister.

Mr. BRETT *(Worker Vice-Chairperson of the Governing Body of the International Labour Office)* — The nomination of Ms. Olga Keltošová, Minister of Labour, Social Affairs and Family of Slovakia, has been duly proposed and seconded. In the absence of other proposals I declare Ms. Olga Keltošová President of the 85th Session of the International Labour Conference. It only remains for me to congratulate her warmly and invite her to the podium to take the presidency.

(Ms. Keltošová, Minister of Labour, Social Affairs and Family, Slovakia, is elected President of the Conference and takes the President's Chair.)

PRESIDENTIAL ADDRESS

The PRESIDENT — It is a great honour for me, for my country and for the Government of the Slovak Republic that I have been elected as President of the 85th Session of the International Labour Conference. I would like to express my gratitude to the distinguished delegates of all regional groups as well as to the representatives of Workers and Employers for their support and the trust that was bestowed upon me. I would like to thank particularly all countries of Central and Eastern European regions for their support of my candidature, which enabled the Slovak Republic to preside over this year's session of the International Labour Conference. My thanks go also to His Excellency, Ambassador Zahran, Chairperson of the Government group, as well as to Mr. Sibanda, spokesperson of the Workers' group, and to Mr. Oechslin, spokesperson of the Employers' group for their expression of support on behalf of their respective groups.

I would like to assure you that it is both in my personal interest and the interest of my Government that the outcome of this session of the International Labour Conference will be for the benefit of the Organization as well as for its member States. I will do my best to achieve progress in issues which are on the agenda. I believe that the support you have given to me so far will continue for the whole Conference, and I am convinced that your participation in the work of various committees and in the plenary debate will be guided by the spirit of consensus which is the fundamental feature of the tripartite cooperation in the ILO.

The present world, heading towards global integration, stands at the threshold of the next millennium. It may be observed that this world is getting smaller, thanks to the modern communication and media links but, paradoxically, the distance from a man to a man is not changing. Modern technologies and facilitated communications did not lead to narrowing the gaps among individuals and countries; on the contrary, they widen those gaps, which then create tensions in the social, economic and political spheres. Our task is to mitigate these tensions and find ways and means of common understanding and cooperation for the welfare of all of us. This was the reason behind all major international conferences focused on various areas of our life, from the World Summit on Environment held in Rio de Janeiro in 1992 to the Habitat II held in Istanbul in 1996.

International organizations are another forum which contribute to the search for and formulation of mutually advantageous ways of cooperation. The first of them, the International Labour Organization, was established in 1919 as a direct consequence of the suffering experienced by humankind before, and especially during, the First World War.

From its establishment the ILO developed a system of international labour standards, represented today by 180 Conventions and 187 Recommendations of a remarkable historical value. The standard-setting activities of the ILO have always been the cornerstone of its activities. They inspired the domestic, social and labour legislation in many countries and contributed to the improvement of working conditions of workers.

However, the political, economic and social situation of the world has changed substantially over the last ten years. The end of the Cold War, failure of the centrally planned economy system, employment crises affecting all countries regardless of their economic and social development, and the process of globalization are the most important examples. International relations and international cooperation reached a new quality which should also be reflected in the future standard-setting activities of the ILO.

The conclusions of the World Summit for Social Development in Copenhagen in 1995 state the fact that employment is a precondition for the development of social justice. In the final Declaration countries committed themselves to include the objective of full employment as a basic priority of their economic and social policies, and they emphasized that the ILO has a special role in the employment and social development area. In the Declaration of the Ministerial Conference of the WTO in Singapore in December 1996, participating governments confirmed that the ILO is the competent organization to set labour standards and deal with them.

I mentioned just examples of support for standard-setting activities of the ILO and it is on us, the representatives of member countries, to respond to this challenge and to determine responsibly the future way so that this Organization will be able to meet the expectations placed in it.

Standard setting is closely linked to the issue of implementation and supervision of commitments undertaken. The strengthening of the control mechanism and observance of the ILO fundamental human rights Conventions are the test of the readiness of member countries to find a mutually acceptable solution and to show the outside world that all commitments and declarations from various conferences, especially the World Summit for Social Development, were adopted with full political responsibility, and the will to pursue them in the future. Regardless of the different opinions it is clear that the process of globalization and the realization of ILO goals are interconnected. Globalization must be accompanied by progress in the social sphere and the protection of workers' rights. Every State, company, multinational enterprise and individual should receive his share from the benefit of globalization, otherwise the tensions arising from this phenomenon may endanger social stability which is the basis for the good functioning of each national society and its final result, of the whole international society.

The Report of the Director-General contains a number of ideas, words of further reflection. In my opinion, it is not the role of this Conference to set up or agree on the precise definition of the future of standard setting and the control mechanism but rather to find a consensus on a future approach to these issues which then could be taken up by the ILO's Governing Body. It is not possible to deal with any issue from the legal point of view unless clear political consensus exists. I believe the discussions on the Director-General's Report will indicate possible solutions.

The ILO has identified seven Conventions as fundamental with respect to basic human rights. In this connection, let me mention that the Slovak Republic is bound by 58 ILO Conventions and responded positively to the initiative of the Director-General aimed at the universal ratification of those seven Conventions. Recently, a process of ratification of Convention No. 138 on the minimum age for admission to employment and No. 105 on the abolition of forced labour has started in the National Council of the Slovak Republic. Consequently, Slovakia will become another country which ratified all seven Conventions by the end of this year. At the end of this year, the Slovak Republic will also ratify ILO Convention No. 176 on safety and health in mines.

The important part of the agenda of this Conference is also a proposed amendment to the ILO Constitution which would provide for an option to abrogate those international labour standards deemed obsolete and not used in practice. It is good that this constitutional amendment and, consequently, the amendment of the Standing Orders of the Conference are presented for adoption as the process of setting new standards will be accompanied by the possibility to abrogate those not reflecting the actual development of labour and social relations.

A very important area of ILO activities is technical cooperation and assistance. The process of changes in standard setting should be accompanied by a new approach to technical assistance especially for developing countries and countries in transition. We need more educational activities, particularly in the labour law, social security law, employment issues and working conditions areas. Within technical assistance, it would be advisable to increase financial resources for various training activities as well as for technical consultations on drafts of national labour and social laws. Measures to support the development of small and medium-sized enterprises should be aimed especially at the establishment of organizations and programmes for support of small and medium-sized enterprises.

Creation of conditions for improvement of labour and social relations with the aim of reaching social justice is a permanent goal of the ILO. The principles formulated in the Declaration of Philadelphia more than 50 years ago are still valid in today's world under the globalization and free trade conditions. In order to deal effectively with labour and social issues, it is necessary to involve both governmental and non-governmental organizations in individual countries.

Changes in Central and Eastern European countries aimed at the democratization of social systems require the formulation of adequate economic and social policy principles. Central and Eastern European countries are in the process of transition to market economies. Parallel to the economic transformation, a special significance is also given to the social sphere transformation, which motivates and stimulates economic changes and behaviour of subjects.

Development of the social sphere in Slovakia after 1989, especially in 1993, was formulated beside the economic development by new legislative standards which significantly affected the whole social sphere. They are summarized in the document *Concept of the social sphere transformation in the Slovak Republic* adopted by the Government of the Slovak Republic in 1995. This document is based on the conceptual and complex reconstruction of labour, individual and collective relations, social sphere (social security) transformation, transfer of employment problems and their solution, into individual parts of the economic policy. The State guarantees the right of the citizen to a relevant income replacing the labour income if the citizen has lost his job without causing it. The transformation intentions in the employment area were expressed in the employment policy concept, including the state policy, labour market policy and employment service concept, and finally in a new Act on employment, effective from 1 January this year. This Act especially determines objectives of the employment policy corresponding to the present labour market development in Slovakia. It transfers the competence of the labour market policy implementation to the National Labour Office, which is a publicly legal institution, strengthens the insurance principle at providing unemployment benefits. Development of conceptual issues of employment policy continues in the cooperation with the Research Institute of Labour, Social Affairs and Family in putting the emphasis on the more intensive links to labour market policy. The concept of the social sphere transformation in the Slovak Republic is based on a neutral relationship between labour and social relations, synchronization of labour relations, labour incomes and social insurance, complementary pension schemes, social assistance and state social support.

In conclusion, allow me to express my gratitude to the Director-General of the International Labour Office, Mr. Michel Hansenne, and also to all members of the Governing Body of the ILO for their work and efforts at preparing this session of the International Labour Conference. I wish you a lot of success in your responsible work. I believe that this Conference will be successful and will reflect the goals, ambitions and efforts of the International Labour Organization which we all want to enforce and support.

Election of the Vice-Presidents of the Conference

The PRESIDENT — In accordance with the amendments adopted by the Conference at its 82nd Session, we shall proceed immediately to the election of the Vice-Presidents of the Conference. I call upon the Clerk of the Conference to read out the nominations made by the groups.

Original French: The CLERK OF THE CONFERENCE — The following nominations have been made for Vice-Presidents of the Conference:

Government group:

Mr. Khalil *(Syrian Arab Republic)*

Employers' group:

Ms. Sasso Mazzufferi *(Italy)*

Workers' group:

Mr. Ramírez León *(Venezuela)*

The PRESIDENT — If there are no objections, I shall take it that the proposals are adopted.

(The proposals are adopted.)

Nomination of the Officers of the groups

The PRESIDENT — We shall now proceed to the nomination of the Officers of the groups. I call on the Clerk of the Conference to read out the nominations made by the groups.

Original French: The CLERK OF THE CONFERENCE — The groups have chosen their Officers as follows:

Government group:

Chairperson: Mr. Zahran (*Egypt*)

Employers' group:

Chairperson: Mr. Oechslin (*France*)

Vice-Chairpersons: Mr. Lawson (*Canada*)
Mr. M'Kaissi (*Tunisia*)
Mr. Preti Jorquin (*Guatemala*)
Mr. Tabani (*Pakistan*)
Mr. Thüsing (*Germany*)

Secretary: Mr. Kapartis (*International Organization of Employers)*

Workers' group:

Chairperson: Mr. Brett (*United Kingdom*)

Vice-Chairpersons: Mr. Sánchez Madariaga (*Mexico*)
Mr. Tan (*Philippines*)
Mr. Shmakov (*Russian Federation*)
Mr. Sibanda (*Zimbabwe*)

Secretary: Mr. Ryder *(International Confederation of Free Trade Unions)*

The Officers of the Workers' group, other than the Chairperson and Vice-Chairpersons, are: Mr. Ahmed (*Pakistan*), Ms. Buverud Pedersen (*Norway*), Mr. El-Ghazali (*Egypt*), Ms. Engelen-Kefer (*Germany*), Mr. Gray (*United States*), Mr. Ito (*Japan*), Mr. Lawani (*Benin*), Ms. Rozas Velásquez (*Chile*).

The Officers of the Employers' group, other than the Chairperson and Vice-Chairpersons, are: Mr. De Arbeloa (*Venezuela*), Mr. Dahlan (*Saudi Arabia*), Ms. France (*United Kingdom*), Mr. Van Holm (*Belgium*), Mr. Imoisili (*Nigeria*), Mr. Kaswarra (*Uganda*), Mr. Noakes (*Australia*), Mr. Oechslin (*France*), Mr. Owuor (*Kenya*), Mr. Potter (United States), Mr. Prior (*Czech Republic*), Mr. Suzuki (*Japan*).

The deputy members are: Mr. Ferrer Dufol (*Spain*), Mr. Hoff (*Norway*), Mr. Majid (*Malaysia*), Mr. Makeka (*Lesotho*), Mr. Mattar (*United Arab Emirates*), Mr. Tan (*Philippines*).

The PRESIDENT — The Conference takes note of the appointments made by the groups.

CONSTITUTION AND COMPOSITION OF CONFERENCE COMMITTEES

The PRESIDENT — The next item on our agenda is the establishment of the various committees which will consider the matters before the Conference.

The Conference may wish to set up the following committees: Selection Committee, Finance Committee, Committee on the Application of Standards, Committee on the Revision of Convention No. 96, Committee on Job Creation in Small and Medium-Sized Enterprises, Committee on Contract Labour.

The Conference also has before it a proposal for the amendment of the Constitution and has to decide, under article 47, paragraph 2, of its Standing Orders, whether to consider it in full conference or refer it to a committee for report. This proposal also includes consequential amendments to the Standing Orders. Since there will be other Standing Orders questions which will have to be referred to a Standing Orders committee, the Conference may wish to decide to refer both items to a single committee and to set up for this purpose a Constitutional Amendment and Standing Orders Committee.

May I take it that these proposals are adopted?

(*The proposals are adopted.*)

The nominations made by the groups for the composition of these committees appear on a list which will be distributed later.

May I take it that these proposals are adopted?

(*The proposals are adopted.*)

SUSPENSION OF ARTICLES 4.2, 9(A) AND 56.9 OF THE STANDING ORDERS

The PRESIDENT — The next item concerns the suspension of article 4, paragraph 2, article 9(a) and article 56, paragraph 9, of the Standing Orders.

To implement the decision taken by the Governing Body at its 267th Session concerning approval of changes in the composition of committees, the President and the three Vice-Presidents of the General Conference of the International Labour Organization unanimously recommend:

(a) that the Conference delegate to the Selection Committee Authority to approve non-controversial changes in the composition of conference committees and non-controversial invitations to non-governmental international organizations to be represented at committees, and that the Conference to that extent suspend article 9(a) and article 56, paragraph 9, of the Standing Orders, in accordance with article 76 thereof;

(b) that the Conference authorize the Selection Committee to delegate the authority to approve the above-mentioned changes and invitations to its Officers and to that extent suspend article 4, paragraph 2, of the Standing Orders, in accordance with article 76 thereof.

Pursuant to article 76 of the Standing Orders, these derogations will take effect, with the agreement of the Conference, only from its next plenary sitting, which will take place this afternoon.

SUBMISSION OF THE REPORT OF THE CHAIRPERSON OF THE GOVERNING BODY TO THE CONFERENCE FOR THE YEAR 1996-97

The PRESIDENT — We shall now proceed with the submission of the report of the Chairperson of the Governing Body for the year 1996-97. I give the floor to Mr. Brett, Worker Vice-Chairperson of the Governing Body, to submit the report, which is contained in *Provisional Record* No. 4.

Mr. BRETT (Worker Vice-Chairperson of the Governing Body of the International Labour Office)

— On behalf of the Chairperson of the Governing Body, Mr. Arrate Mac Niven, who is not able to be with us today, as Vice-Chairperson of the Governing Body I have the honour to present this report which covers the work of the Governing Body during the past year but not matters otherwise before the Conference. I will briefly touch on the main points.

First, in monitoring follow-up on the World Summit for Social Development, the Governing Body examined progress in the work of the ACC Task Force on full employment and sustainable livelihoods, which decided to carry out country employment policy reviews on the ILO as a lead agency for this work.

The Governing Body welcomed the adoption by the Second United Nations Conference on Human Settlements (Habitat II) of the *Habitat agenda*, and, in particular, the recognition given by the Conference to the role of the ILO in employment-related areas. It requested the Director-General to ensure that the ILO was actively involved in follow-up.

As regards the highly topical issue of child labour, the Governing Body examined a detailed report on the progress in the elimination of child labour and related international developments. In particular, it noted the signing of the Memorandum of Understanding on child labour with more than 20 member States, in the search for a long-term solution to the child labour problem. It noted the donations and total contributions pledged since 1992 and for the next five years to the International Programme on the Elimination of Child Labour (IPEC), as well as the Letter of Intent signed by the ILO and UNICEF to guide their joint efforts. The Governing Body has also requested the Director-General to report to it annually on the operational aspects of IPEC.

Through its Working Party on the Social Dimensions of the Liberalization of International Trade, the Governing Body discussed a recent OECD publication on *Trade, Employment and Labour Standards*, which, in particular, lent support to the ILO's role, mandate and means of action. That role was further reaffirmed at the first Ministerial Conference of the World Trade Organization in Singapore in December 1996. The Governing Body discussed developments at that meeting and noted, in particular, the many statements that were made in support of the ILO's role and welcomed the inclusion of a section on labour standards in the final Declaration adopted by the meeting, which referred to the internationally recognized fundamental labour standards. This was considered of particular significance as it represents the official point of view of the WTO as expressed by ministers of trade.

The debate on the ILO's role concentrated on two issues. The first was the improvement and strengthening of the ILO's supervisory system and normative action more generally. The role of technical cooperation in promoting core labour standards and the question of how to focus technical cooperation more effectively on such core labour standards was also stressed. The second issue was how to improve the ILO's research capacity and knowledge base. It was agreed that a more strategic approach was needed and this will be discussed further in the coming year.

You may recall that during last year's Conference a questionnaire was distributed to obtain views on current development in globalization and the liberalization of trade and their impact on social standards. This exercise met with mixed success and it was difficult to draw conclusions, but one outcome was that the Office was requested to prepare a short factual document on voluntary codes of conduct and labelling schemes for the Working Party's next meeting. It was also stressed by the Governing Body that the impact of globalization differed greatly between countries and sectors and it was desirable to develop methodology and criteria for judging objectively, on the basis of national enterprise-level data, both the extent and social impact of globalization.

Turning to international labour standards, the Governing Body reviewed progress on the ratification and promotion of the ILO's fundamental Conventions and considered further papers on the strengthening of the ILO's supervisory procedures. These set out a catalogue of possible methods and opened debate on the specific standards concerned, namely, those on discrimination in employment and occupation and forced labour, including child labour.

As regards the revision of standards, the Governing Body continued its examination of the needs for the revision of Conventions and this work will continue in the coming year. On the question of abrogation or termination, you will note that a set of amendments to the Constitution and Standing Orders of the Governing Body and the Conference are before the Conference at the present session.

As regards the complaint on non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), which was made by delegates to last year's Conference under article 26 of the Constitution of the ILO, the Governing Body has referred that complaint to a Commission of Inquiry.

The Governing Body reviewed progress in the implementation of the active partnership policy, ILO technical cooperation activities and the ILO strategy of technical cooperation during the previous year. It noted the stabilization of the resources situation and requested the Office to prepare proposals for an innovative strategy to enhance the resources available to the technical cooperation programme. This will be examined in the coming year. The Governing Body has decided to conduct an internal evaluation of the active partnership policy and a working party will meet three times in the coming year and will visit various regions before adopting its findings.

The Governing Body also reviewed strategies to enhance women's employment and income opportunities in the light of experience from technical cooperation. The Governing Body included on the agenda for the 1999 Session of the Conference a general discussion on the role of the ILO in technical cooperation, as well as an item on the revision of the Maternity Protection Convention and Recommendation.

The Governing Body evaluated practical experiences with the new sectoral meetings format, drawing conclusions on the desirable size of meetings and the level of participation and the structure of panel discussions, as well as on various other minor aspects.

The Governing Body also undertook an assessment of the reforms in the functioning of the International Labour Conference. It decided that all the measures applied in 1996 should be continued at the present session. It also discussed various proposals concerning possible changes in the manner of selecting items for future sessions of the Conference.

Finally, many of you will have noticed that the Governing Body now has a presence on the Internet on the ILO's site. This is an important innovation designed to improve access to documents and information and to accelerate the distribution of documents to members of the Governing Body.

Before concluding I would like to offer my sincere thanks to my two fellow Officers, Mr. Jorge Arrate Mac Niven, the Chairperson of the Governing Body, who will be joining us next week, and Mr. Jean-Jacques Oechslin, Employer Vice-Chairperson of the Governing Body, for both their friendship and cooperation over the past year and I should also like to thank the Director-General and his staff for their constant support and assistance.

Finally, Madam President, allow me to congratulate you on your election and to wish you every success in your work and in the work of the Conference.

STATEMENT BY MR. MICHEL HANSENNE, DIRECTOR-GENERAL OF THE INTERNATIONAL LABOUR OFFICE

The PRESIDENT — I now give the floor to the Director-General to address the Conference concerning his Report.

Original French: The DIRECTOR-GENERAL — You will remember that last year we experienced a few incidents when we discussed and adopted the Home Work Convention. Following those incidents I suggested that the time had now come to take a new look at the ILO's standard-setting function, and I indicated that that would be the theme of my Report to the Conference in 1997. For the ILO's standard-setting function has always been — and, to my mind, still is — the very backbone of the International Labour Organization. It is standard setting that underlies and imbues all our activities and it is the ILO's standards that will determine the place that the Organization occupies in the coming century, because it is through them that the ILO can make its most valuable contribution to a world economic system based on the liberalization of trade and genuine multilateralism. Unless that function is strengthened, the promises of progress in the world economy are liable to be jeopardized or to remain a dead letter for all too many workers.

Strengthening the ILO's standard-setting function is not just a matter for the Director-General or for a few specialists. That task is the responsibility of the International Labour Conference, for what other body within the United Nations system could claim to be as representative as your Assembly, combining as it does universality and tripartism.

The second part of my Report contains a set of specific proposals for improving the ILO's output of labour standards and for ensuring that its instruments meet the needs of our constituents and have a verifiable impact on our efforts to further our objectives of social progress. The proposals are my response to the analyses that have been made — some of them a long time ago — by my predecessors, as well as to the requests and criticisms that have been voiced on a number of occasions by constituents. In order to take the debate a step further we have endeavoured to look at the standard-setting process as a whole so as to take into account the interplay of cause and effect and thus to come up with a set of proposals that are both coherent and viable. I trust that this approach will win the support of the Conference so that the Governing Body can then examine in greater detail each of the ideas put forward.

I also feel that the time has now come to sum up the three years of debate that have taken place in the Governing Body and its various committees on what we agreed to call the social dimension of the liberalization of trade, and to draw a few conclusions.

On this score we have received two important messages: first of all, that of the World Summit for Social Development held in Copenhagen in 1995, and then, more recently, that of the ministers of trade meeting at the first WTO Ministerial Conference in Singapore. Their final declaration renews the commitment of member States to observe internationally recognized fundamental labour standards. It stresses that economic growth fostered by increased trade works towards promoting them, it rejects their use for protectionist purposes, and it clearly recalls the ILO's major role in defining and implementing such standards. It is certainly not my role to interpret what this declaration means for the WTO — I would simply reiterate to the Director-General of the WTO, who has been kind enough to join us today, that the ILO is entirely open to the idea of continuing to cooperate, as it has been invited to do.

We must take these clear and repeated invitations in a serious spirit and draw all the appropriate conclusions. I am not in any way talking about modifications to the mandate of our Organization, but rather of enabling it to carry out that mandate fully so as to achieve its objectives and live up to the expectations placed in it.

The first part of my Report accordingly reviews a number of proposals which have already been extensively discussed by the Governing Body and which have provided us with pointers to a solution that might be acceptable to all the interested parties. I refer of course to the idea that the ILO adopt a solemn declaration reaffirming the universal respect of all its Members for fundamental workers' rights, whether or not the relevant Conventions have been ratified. I want to make it quite clear that the idea behind such a declaration is not that it should impose obligations on member States to which they have not subscribed, but simply that they renew their commitment to certain essential principles that are inherent in the ILO's values and which they accepted when they became Members of the Organization. I therefore sincerely hope that, after a thorough discussion of this vital issue, the Conference will endorse the approach that we have taken so that it may be called upon as early as 1998, the year of the fiftieth anniversary of the Universal Declaration of Human Rights, to enshrine its conclusions in a solemn declaration.

Before I end, allow me to say a few words about an idea that has given rise to considerable comment and very different interpretations, which are of course always very interesting. But some of these thoughts are quite the opposite of what I had intended. I am referring of course to the "overall social label".

Whether we like it or not, the unilateral initiatives that my Report refers to already exist and they are multiplying. Generous though the principles behind them may be, the fact is that they may lack transparency in their implementation and prove hazardous in their effects. The proposal that I am making, therefore, is aimed at strengthening the multilateral and voluntary framework constituted by the ILO, in which countries — and especially developing countries — are not just pawns in a game, but active partners whose voices and interests are properly taken into consideration.

It is up to these countries to say whether they want a system such as this, and if so, to help decide what form it should take — something which remains to be discussed and elaborated. I must emphasize that a system of this kind bears absolutely no relation to a social clause. Unlike the social clause, which subordinates the free circulation of goods and services — and hence their access to national markets — to the observance of certain social standards, it is designed solely to provide information without introducing any manner of restriction or curtailing anybody's freedom of action.

For all that, it must be made quite clear that this is bound to be a very long process and that we are not suggesting any ready-made solutions. While I feel that it is essential that the ILO be involved in a debate which is of such capital importance for the future of multilateralism, it is equally important that this consideration does not distract your attention from other concrete proposals which require more immediate action.

These are the few thoughts that I wanted to share with you today. I trust that your discussions will be fruitful and that the Conference will be a success.

(The Conference adjourned at 12 noon.)

Second sitting

Tuesday, 3 June 1997, 3 p.m.

President: Ms. Keltošová

FIRST REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

The PRESIDENT — The first item on our agenda this afternoon is the first report of the Selection Committee. I give the floor to Ms. Sarmiento, Government adviser, Philippines, and Chairperson of the Committee, to submit the report.

Ms. SARMIENTO *(Government adviser, Philippines; Chairperson of the Selection Committee)* — I have the honour to submit to the Conference the first report of the Selection Committee (*Provisional Record* No. 6). This report is not complete. An addendum will be issued tomorrow giving the full lists of the membership of the committees.

As regards the reports of the Chairperson of the Governing Body and of the Director-General, the Selection Committee decided to begin the general discussion next Tuesday, 10 June, at 10 a.m. The Committee also decided that the list of speakers should be closed next Wednesday, 11 June, at 6 p.m. under the usual conditions.

The Committee endorsed a general plan of work for the Conference committees which, although not binding, will enable the committees to organize their work so as to take the maximum possible account of the overall needs and possibilities of the Conference. This plan of work is appended to this report as Appendix 2.

I should like to call the attention of the members of the Conference to the suggestions in the report concerning the quorum, punctuality and negotiations in committees, all of which are designed to ensure the smooth working of the Conference.

As regards participation in Conference committees by members who have lost the right to vote, the Selection Committee recommends to the Conference that the practice followed in the past years by Government members of not applying for regular membership of committees if they are not at the time entitled to vote should be continued.

The Selection Committee also recommends to the Conference that, should this practice for any reason not be fully respected, the calculation of rating coefficients for votes in committees would be based on the number of regular Government members entitled to vote. The electronic voting system takes account of this practice.

The Selection Committee recommends that the Conference authorize the Secretary-General to invite the Democratic People's Republic of Korea, a non-member State, to be represented at the present session of the Conference in accordance with article 2, paragraph 3(e), of the Conference Standing Orders.

In another recommendation the Committee proposes that certain non-governmental international organizations should be invited to be represented in some of the committees.

The Selection Committee has made proposals regarding the appointment of the Credentials Committee, as follows: Government member, Mr. Salmenpera *(Finland)*; Employer member, Mr. Funes de Rioja *(Argentina)*; Worker member, Mr. Gray *(United States)*.

The Selection Committee has also made proposals regarding the appointment of the Drafting Committee of the Conference.

At its first sitting this morning the Conference had before it proposals by the Officers to suspend certain articles of the Standing Orders of the Conference so as to delegate to the Selection Committee the authority to approve non-controversial requests for representation in Conference committees submitted by non-governmental international organizations, and also to authorize the Selection Committee to delegate such authority to its Officers.

Subject to the adoption by the Conference of this recommendation at the present sitting, the Selection Committee has delegated to its Officers the authority to approve non-controversial changes in the composition of committees and non-controversial requests for representation in Conference committees submitted by non-governmental international organizations.

I commend the report to the Conference for adoption.

The PRESIDENT — May I take it that the Conference adopts the report?

(The report is adopted.)

DEROGATIONS FROM THE STANDING ORDERS OF THE CONFERENCE

The PRESIDENT — The second item on our agenda concerns the derogations from the Standing Orders of the Conference. You will recall that at this morning's sitting I communicated to you the recommendations unanimously adopted by the Officers of the Conference that article 4, paragraph 2, article 9(a) and article 56, paragraph 9, of the Standing Orders be suspended in order to implement the decision of the Governing Body that the power to approve non-controversial changes in the composition of committees should be delegated to the Selection Committee. In accordance with article 76 of the Standing Orders a decision on such a proposal may not be taken until the sitting following that at which it was submitted to the Conference.

The Conference is now called upon to adopt the proposal to suspend article 4, paragraph 2, article 9(a) and article 56, paragraph 9, of its Standing Orders.

If there are no objections, I shall take it that this proposal is adopted.

(The proposal is adopted.)

REPORT OF THE OFFICERS OF THE CONFERENCE

The PRESIDENT — The third item on our agenda is the report of the Officers of the Conference.

The decisions taken by the Governing Body to make savings at the International Labour Conference with respect to the length of speeches and the publication of the *Provisional Record* can be applied to the present session of the Conference only by derogation from or suspension of the Standing Orders. That is why, in keeping with article 76 of the Standing Orders, the Officers of the Conference unanimously propose the necessary derogations on the understanding that these will take effect with the agreement of the Conference only from its next plenary session.

The fact that the next plenary session will not be held before 10 June implies that the everyday tasks of organization of the Conference will be carried out by the Officers of the Conference if the Conference wishes to confer the necessary powers on it. For this reason it is also proposed that we confer the necessary powers on the Officers of the Conference until the next plenary session.

Are there any objections to this? I see no objections. I therefore submit for your approval the derogations which I call upon the Clerk of the Conference to read out.

The CLERK OF THE CONFERENCE — The draft decision regarding the suspension of articles 14.6 and 23 of the Standing Orders reads as follows:

> To implement the programme and budget adjustments adopted by the Governing Body at its 264th Session, the President and the three Vice-Presidents of the General Conference of the International Labour Organization unanimously recommend:
>
> (a) that a normal time-limit for speeches in plenary of ten minutes specified in paragraph 6 of article 14 of the Standing Orders of the Conference be set at five minutes and that the said paragraph be to that extent suspended in accordance with article 76 of the Standing Orders;
>
> (b) that the issues of the *Record of Proceedings* covering the discussion of the reports of the Chairperson of the Governing Body and the Director-General be printed after the conclusion of the Conference and then dispatched to delegations under arrangements approved by the President and Vice-Presidents which shall, in particular, give participants the opportunity to provide the Conference secretariat with a text of their speeches *as delivered*; and that article 23 of the Standing Orders of the Conference be suspended in accordance with article 76 mentioned above to the extent necessary to permit the implementation of those arrangements.

The second decision, which concerns the delegation of authority to the Officers, reads as follows:

> 1. The General Conference of the International Labour Organization hereby delegates to its President and three Vice-Presidents authority to take any decisions or to perform any functions within the power of the Conference with respect to any matter that needs to be dealt with before the Conference resumes its plenary sittings, unless any of the aforesaid Officers considers that the Conference should hold a sitting to discuss such matters.
>
> 2. Decisions taken under this authority shall be announced in a special issue of the *Record of Proceedings* of the Conference.
>
> 3. This delegation of authority shall take effect on Wednesday, 4 June 1997, at 10 a.m. and shall terminate as soon as the Conference resumes its plenary sittings.

The PRESIDENT — If there are no observations or objections, I shall take it that the report is adopted.

(The report is adopted.)

PRELIMINARY DEBATE ON THE DRAFT PROGRAMME AND BUDGET FOR 1998-99

The PRESIDENT — The next item on our agenda is the preliminary discussion of the draft Programme and Budget for 1998-99.

Mr. GRAY *(Workers' delegate, United States)* — I would like to congratulate you on your election to this important post and wish you every success in the difficult task that I know lies ahead of you. As Worker Vice-Chairperson of the Programme, Financial and Administrative Committee of the Governing Body, it falls to me to make some preliminary remarks on the proposals for the 1998-99 Programme and Budget for the Conference. The proposals presented by the Governing Body are the result of a more detailed process of consultation and extensive debate than has been the case in the past. An extra discussion was held in November of last year and was helpful in allowing the Governing Body to exercise real choice in the selection of programme items. This did not, however, make the final decision-making process in March an easy one. That debate remains fresh in the memory and the most lasting impression is that as much time was spent discussing questions of procedure and presentation as substance. I would not hide from the Conference that this fact was sometimes a cause of regret and frustration to my group, but this was tempered by the understanding that we were concerned that our Government colleagues in particular should have the fullest possible information and insight into the programme and budget. We took the view that the ILO secretariat responded most commendably to the insistent requests put to them for supplementary information. Those efforts are reflected in the material before the Conference. The Workers' group in the Governing Body was in agreement that this information should be made available to this Conference, on the understanding shared by the other groups that it should not serve as a pretext for reopening of subsequent debate on programme content.

I will make some brief comments on the level of the budget and on the substance of the programme proposals making clear at the outset that the Workers' group endorses both and urges their adoption. They represent the usual tripartite compromise from which nobody emerges jubilantly, but which addresses the interest of each party in roughly equal measure. It will come as no surprise to the Conference that the Workers' group can express no satisfaction at the substantial real cuts contained in the proposals before us. We have been strongly critical of this zero real growth path on which the ILO has been set for as long as most of us can remember. So we cannot but be critical too of the outcome of the process in which initial real reduction of 3.75 per cent proposed by the Director-General was compounded by a further cut of just over 2 per cent from the deletion of the provisions for inflationary increases. Our group could not escape the impression that the Office was made to suffer for the modesty of the provision made for inflation in its proposals. Nevertheless, what we do not like, we are ready to accept and we expect others to support the debates in a similar spirit.

As regards the content of the programme proposals, the major point of dissatisfaction on the Workers' side was the approach to enterprises and the role it played within the overall employment priority. Unfortunately, the concerns we express in this regard went largely unmet. It continues to be unacceptable to the Workers' group that the ILO enterprise-related activities are oriented very heavily towards an employer's interest, with little attention being given to legitimate trade union interest. Nor can it be right that in this globalizing world the ILO spends 50 times as much on enterprise development as it devotes to the activities of multinationals. We want to see a genuinely tripartite ILO policy on enterprises. We have a long way to go to get this achieved.

One other notable feature of the programme and budget proposals is the continuing flow of resources to the field in the framework of the active partnership policy. The Workers' group has no problem with this trend as such, although it can certainly go on, it cannot go on indefinitely. But we do want to have a better idea of the uses to which this increasing proportion of funds at the ILO's disposal are being put. And that is why we attach a great deal of importance to the evaluation of the active partnership programme on which the Office is now embarking.

No doubt, there will be differing appreciations between the different groups of the specific programme items. But I believe that we are all in agreement that the value of the totality of the proposals before us will have to be judged in terms of their success in addressing the crucial issues facing the world of work today. The most significant of these have to do with globalization. The challenge of the ILO is that it puts social justice and defence of its workers' fundamental rights right at the heart of the process. The issues involved cannot be avoided just because they are controversial. The proposal before us offers the ILO the scope to tackle them effectively, but first there must be the necessary political will to see that this is realized. It is a sincere hope for the Workers' group that the Conference will endorse the programme and budget recommended for adoption by the Governing Body and at the same time demonstrate the political commitment that can ensure that its implementation will contribute seriously and importantly to bettering the lives of the working people whom we are here to serve.

Original French: Mr. OECHSLIN *(Employers' delegate, France)* — Madam President, I would like to congratulate you on your election. I have come up to this rostrum in order to state the support of the Employers' group for the proposed forthcoming budget as submitted to the Conference. In doing so, perhaps I will focus more on the programme than on the budget aspect.The programme, as my colleague, Mr. Gray, has said, is a compromise. I would really rather call it a balance between the needs of the various constituents of the Organization — the Government, the Employers and the Workers.

Of course, we have to find the appropriate resources to cover the expenditure for these programmes and I do, obviously, understand the concern expressed by Government members who are trying to limit the expenditure of the Organization. We are certainly not hostile to the concept of savings as long as this balance between the various needs on all sides can be maintained. Having said that, I would like to make a few brief comments concerning some of the items of the programme and budget which seem to me to be particularly interesting.

I would like to start off with the points which are covered in the chapter concerning the promotion of democracy and confirm the importance we attached to basic workers' rights in follow-up to the Copenhagen Summit and the Singapore Conference. Basically this means the promotion of principles contained in the seven fundamental Conventions with which you are all familiar.

We also believe that we can support the general orientations concerning the renewal of the standard-setting activities. We have an opportunity during this session of the Conference to express our views on this point in the context of the discussion on the Director-General's Report but I wanted to point out, looking forward to the next Conference, that the Employers' group and the employers in general are interested in combating child labour.

I would like to highlight the importance of activities concerning support for employers' and workers' organizations. This is a very specific responsibility of the ILO and I think that it has to be further enhanced. I cannot but comment on the continuing discrepancy between the means and resources on both sides.

I would also like to emphasize the importance of the programme for the promotion of employment and combating poverty by the creation of jobs. Within this programme, the importance of the problem of enterprises as job-creating sources is of great concern. In the preliminary discussions we ask for a consistent and integrated programme on this point. What is in the programme seems to us to be rather inadequate and so our point of view does differ from Mr. Gray's, but democracy is, of course, based on differences of opinion. We are thinking in particular about the importance of the programme of action for the development of small and medium-sized enterprises, which is contained within this context of questions on the agenda at this session as well as at the following session of the Conference. This programme basically depends on external funding and I hope that the major organizations, the donor organizations and governments will make it possible for us to set up this programme in a very specific manner.

I would like to say a few words about the resources available to the ILO. These resources are basically people and I would like to emphasize the importance of the professional skills of men and women who devote their active life to the ILO.

I would also like us to think to a greater extent about matching up our programmes with reality. We have financial supervision; this is effective, but what is lacking is an analysis of specific results, that is, an analysis of the impact of ILO programmes on reality and in the field. One of the means of seeking such a matching-up operation is to make sure that the Committee on Technical Cooperation of the Governing Body has greater powers so that it can go into the field and examine the specific results of our operations. I think, as the Director-General has said in his Report, that the ILO must get closer and closer to its constituents and certainly one of the main means of doing this is to harness the experience of the multidisciplinary teams, which we believe is satisfactory, taken globally. The sectoral activities which we carry out make it possible for the ILO to be in close contact with the realities of the various industrial sectors. I would like to add that the strengthening of activities in the regions should not be carried out to the detriment of professional skills in the technical services at headquarters.

Finally, I would like to emphasize the interest which we have in the aspect of forums. We believe that the Enterprise Forum was successful — it could further be improved — and the two fora which are provided for in the budget will make it possible for the ILO to open up to a greater extent to the outside.

In conclusion, I would say that of course it is not the exact programme and budget that the Employers would have wished, and Mr. Gray has said that neither was it exactly what the Workers wanted, and perhaps each Government would adopt a slightly different approach, depending on its needs, but I think that after the thorough discussions which took place in the Governing Body, it is a reasonable budget, a balanced budget and I therefore recommend that you adopt it when it comes before the Conference. Thank you.

(The Conference adjourned at 5 p.m.)

Third sitting

Tuesday, 10 June 1997, 11.15 a.m.

President: Ms. Keltošová

RATIFICATION OF CONVENTIONS BY NEPAL, TRINIDAD AND TOBAGO AND BOTSWANA

The PRESIDENT — I give the floor to the Clerk of the Conference to make an announcement regarding the ratification of Conventions.

The CLERK OF THE CONFERENCE — I have the pleasure in announcing to the Conference that the Director-General of the ILO has registered the ratification by Nepal of the Minimum Age Convention, 1973 (No. 138), and the ratification by Trinidad and Tobago of the Equal Remuneration Convention, 1951 (No. 100). The Director-General of the ILO has also registered the ratification by Botswana of the following Conventions: Forced Labour Convention, 1930 (No. 29), Protection of Wages Convention, 1949 (No. 95), Equal Remuneration Convention, 1951 (No. 100), Abolition of Forced Labour Convention, 1957 (No. 105), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Minimum Age Convention, 1973 (No. 138), Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), and Safety and Health in Mines Convention, 1995 (No. 176). This brings the total number of ratifications of international labour Conventions to 6,431.

FIRST REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

The PRESIDENT — The second item on our agenda is the first report of the Credentials Committee (*Provisional Record* No. 7A). I give the floor to Mr. Salmenperä, Government delegate of Finland and Chairperson of the Committee, to submit the report to the Conference.

Mr. SALMENPERÄ (*Government delegate, Finland; Chairperson of the Credentials Committee*) — I have the honour to present to this Conference the First report of the Credentials Committee, which is to be found in *Provisional Record* No. 7A.

As this report shows, the Credentials Committee has taken up its responsibility of determining the quorum for voting in the plenary sittings of the Conference. The report and its annex cover in particular the registration of delegates and advisers and entitlement to vote. The figures given were those that applied last Thursday when the report was adopted. They are of course being continually updated.

In line with the resolution adopted by the Conference in 1981, the report also monitors progress in the participation of women in the Conference. The percentage in paragraph 8 appears disappointing as it is lower than last year's, if account is taken of the proportion of women among the total number of delegates and advisers. This is due to an increase in the number of advisers, and the proportion of women among delegates is in fact higher than last year.

This year there were three cases in which questions of recognition under international law were raised. The Committee's conclusions are set out in paragraph 4 of the report. The Committee has so far received ten objections to the nominations of delegates and advisers; its conclusions will be the subject of separate reports.

Finally, like previous reports the present one stresses in paragraphs 15 and 16 the constitutional obligations of member States concerning the nomination of complete tripartite delegations and the payment of the travel and subsistence expenses of the members of the delegations.

In accordance with the Standing Orders this report needs only to be noted by the Conference.

The PRESIDENT — Since the report was adopted unanimously by the Credentials Committee, I invite the Conference to take note of it as recommended in paragraph 21 of the report.

(The report is noted.)

SECOND REPORT OF THE CONSTITUTIONAL AMENDMENT AND STANDING ORDERS COMMITTEE: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT — The third item on our agenda is the second report of the Constitutional Amendment and Standing Orders Committee (*Provisional Record* No. 9). I give the floor to Mr. Shinguadja, Government delegate of Namibia and Chairperson and Reporter of the Committee, to submit the Committee's report.

Mr. SHINGUADJA *(Government delegate, Namibia; Chairperson and Reporter of the Credentials Committee)* — The Committee of which I was elected Chairman and Reporter has prepared two reports for the Conference. We were entrusted with two separate tasks, and the report before you today is in fact our second report; the Conference is being invited to consider it first because it includes a proposal which, if approved, will become immediately applicable and simplify the work of the Conference at its present session. The Committee's first report, which deals with a constitutional amendment that has to be adopted by a record vote of the Conference, will be presented next week.

The report before you today, and which you will find in *Provisional Record* No. 9, contains proposed amendments to the Conference Standing Orders on three distinct issues. The first concerns the means of ensuring that governments respect the provisions of article 13, paragraph 2(a), of the ILO Constitution which requires them to pay the travel and subsistence expenses of the tripartite delegations. Experience has shown that not all governments fulfil that obligation. The Credentials Committee has frequently received complaints that these expenses have not yet been paid but has been unable to examine them because it has no mandate to do so. The proposed amendment is designed to give the Credentials Committee such a mandate. This mandate is carefully worded; it seeks to ensure respect for the constitutional requirement to appoint and pay the expenses of four delegates but does not go so far as to dissuade governments from appointing advisers through fear of a complaint being lodged with the Credentials Committee. It therefore empowers the Committee to consider complaints that a member State has failed to pay the expenses of one or more of these four delegates, or that there is a serious and manifest imbalance between the number of Employers' or Workers' advisers whose expenses have been covered and the number of Government advisers. Any conclusion reached by the Credentials Committee on a matter of this kind will be included in its report to the Conference.

The second proposed amendment is a result of the shorter length of the Conference. At present, objections to the credentials of delegates or advisers must be submitted within 72 hours of the first publication of their names in the list of delegations — the provisional list, the revised list and the final list. However, with the shortening of the Conference, the Credentials Committee no longer has time to examine objections submitted 72 hours after the publication of the second and final lists. The proposal therefore is that, while retaining the 72 hour time-limit for the first list, the deadline be reduced to 48 hours for objections to the credentials of names published in the revised and final list.

The third amendment is designed to relieve the Conference of the need to hold a record vote in situations where it is a mere formality that could well be dispensed with. Virtually every year the Conference decides by record vote to restore the right to vote of a member State which has lost it by falling into arrears with its contributions. This decision is usually accompanied by an arrangement in which the State undertakes to pay off its arrears by annual instalments. It retains the right to vote as long as it pays its annual contributions and the instalments of its arrears each year. If it fails to do so by 31 December it loses the right to vote. It is not unusual for the State to fail to meet that deadline but to catch up with its payment before the next session of the Conference. It then has to apply again for the right to vote to be restored, and another record vote is necessary. The objective of the amendment is therefore to dispense with the need for this record vote by providing that a State may vote if at the time the vote is taken it has paid all the contributions and instalments which were due by the end of the previous year. A State which has not paid all these contributions and instalments by the end of the Conference session will completely lose the right to vote; even if it subsequently catches up on its payments, it will still have to apply to the next session of the Conference to have its right to vote restored.

These three amendments were carefully prepared by the Governing Body where they were adopted by consensus. They were also unanimously approved by the Committee, and I have no hesitation therefore in recommending them to the Conference for adoption.

The PRESIDENT — The report is now open for discussion.

Original Spanish: Mr. DUCREUX (*Government delegate, Panama*) — The delegation of Panama is very pleased with the way that the Chairperson has conducted the work of this Committee and urges all the members of this august assembly to support the amendments proposed.

Ms. ABOU HAMAD (*Government adviser, Lebanon*) — I should like to ask for some clarification. In the case of governments failing to pay the expenses of the tripartite delegates of the Conference, on what basis does the Credentials Committee reach its conclusions?

The PRESIDENT — I call on the Legal Adviser to give you an answer.

Original French: The LEGAL ADVISER — As indicated in the report, the objective of this amendment is quite simply to give the Credentials Committee a mandate, which it does not have at present, to examine complaints that a State has not, as required by the Constitution, paid for delegates' or advisers' expenses. The amendment proposed would enable the Credentials Committee to examine in what way a State might have failed to fulfil this obligation, and also enable the government concerned to explain its views. The Credentials Committee would thus have all the information in its possession and, after examining the complaint and the reply by the government, would report back to the Conference, informing it of its conclusions in accordance with the criteria set out in the proposed amendment to the Standing Orders.

The PRESIDENT — If there are no further comments, we shall proceed to the adoption of the report. May I take it that the Conference adopts the amendments proposed in paragraph 5 of the report concerning articles 5 and 26 of the Standing Orders?

(The amendments are adopted.)

May I also take it that the Conference adopts the amendment to article 26, paragraph 4(a), of the Standing Orders proposed in paragraph 8 of the report?

(The amendment is adopted.)

May I take it that the Conference adopts the amendment proposed in paragraph 14 of the report concerning article 32, paragraph 2, of the Standing Orders?

(The amendment is adopted.)

May I therefore take it that the Conference adopts the report as a whole?

(*The report as a whole is adopted.*)

In principle, amendments to the Conference Standing Orders come into force on their adoption by the Conference. The effect of one of the amendments just adopted, the amendment to article 32, paragraph 2, of the Standing Orders, is to permit a Member to vote if, at the time of the vote concerned, it has fully paid the contributions to the budget and instalments on consolidated arrears due by the end of the previous year. One Member, Paraguay, is in this position. I take it that the Conference agrees that, since the amendment has only beneficial effects, it can be applied immediately to Paraguay which can now be considered as permitted to vote.

I would like to thank the Chairperson, the Vice-Chairpersons and all the other members of the Committee for the excellent work they have done.

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION

The PRESIDENT — The next item on the agenda is the discussion of the reports of the Chairperson of the Governing Body and of the Director-General. Before initiating the discussion on the Report of the Director-General, I should like to make the following statement on behalf of the Officers of the Conference.

This statement refers to the way in which we intend to discharge our duties and I am making it on behalf of all the Officers of the Conference in order to remind you of the principles which we propose to apply in guiding this discussion. These principles will be applied with the greatest possible uniformity to all speeches made by any speaker in the Conference. The principles by which we shall be guided were first established by the Working Party on the Programme and Structure of the ILO and approved by the Governing Body and communicated to the Conference in 1967. They are set out in paragraphs 54 to 58 of its Report which are reproduced in the *Memorandum* on the 85th Session of the International Labour Conference, a copy of which you should all now have. It is incumbent upon the Officers of the Conference to draw the attention of all delegates to the contents of paragraph 58, which reads as follows: "In periods of acute political tension the ILO has a twofold responsibility — to uphold the values of human freedom and dignity enshrined in its Constitution, and to circumscribe rather than extend the area of international tension by ensuring the fullest possible degree of continued cooperation enforced on the objectives of the ILO."

Every delegate to the International Labour Conference therefore has an obligation to the Conference to keep these considerations constantly in mind, and the President has an obligation to ensure that the Conference does not lose sight of them.

In the discharge of my duty, I draw the Conference's attention to these principles. In full agreement with my fellow Officers and on behalf of all of you, I urge all delegates to collaborate with us in applying these principles. In particular, we hope that every delegate will recognize that the Officers of the Conference are responsible for ensuring that these principles are observed. My colleagues and myself are determined to carry out this responsibility.

Freedom of expression is a vital feature of the International Labour Organization. However, in order to exercise this right in a spirit of mutual respect, we all have to accept a certain amount of discipline if we want our work to be carried on in an appropriate way and be crowned with success. It is the duty of the President of the sitting to ensure that these principles are respected, and the Officers of the Conference will not hesitate to intervene in this connection. In particular if there are offensive or insulting remarks made about any Head of State or Government or if personal insults are directed at any other delegate, the President will intervene immediately.

At the Conference all delegates should use parliamentary language and respect the accepted procedure, refer only to the items and the discussion and avoid raising any question alien to these matters.

It is important that every delegate who wishes to make a reply to a statement should refrain from asking for the floor by raising a point of order. What he should do is to inform the President of the sitting before the sitting finishes that he wishes to exercise his right to reply. A request for a right of reply should be addressed to the Officers during the sitting in which the government or delegation considers that it should exercise its right to reply. This request should be transmitted to the President through the Clerk and not through asking for the floor at the sitting.

I wish to refer to the practice with regard to the exercise of the right to reply. The reply should refer only to the point under debate. It should be brief, not exceed two minutes, and should not give rise to any further remarks. Lastly, it should be couched in correct and parliamentary language. Furthermore, I wish to point out that in order to avoid endless debates it has been a practice of the President to refuse to allow replies to a reply.

I also wish to draw your attention to the recommendations submitted by the Selection Committee concerning the reduction of the time-limit for speeches of delegates participating in the discussion of the reports of the Chairperson of the Governing Body and of the Director-General. This recommendation to reduce the duration of speeches by half, limiting them to five minutes only, was formally submitted to the Conference again this year for decision following consultation with the Vice-Presidents. I therefore invite all delegates to concentrate their remarks on those reports alone. The time available to the Conference for the examination of each agenda being very short, it is imperative that these provisions be strictly respected. All delegates and ministers attending the Conference will no doubt wish to take this limit of five minutes into account in preparing their remarks so that the President will not be obliged to withdraw the right to speak from a speaker before he has finished his speech.

May I remind you that, in accordance with the established practice, the Officers and President organize the general discussion? In particular, it is up to the President to ensure respect for the principles and provisions of the Standing Orders to which I have just referred.

With your help and collaboration we shall fully discharge all the responsibilities conferred upon us with a view to ensuring the proper conduct and success of the Conference. We thank you in advance for your understanding.

Original French: Mr. BOUSSAT *(Employers' adviser, France)* — On behalf of the French Employers allow me, Madam President, to express our satisfaction to see the discussion begin under your authority and your competent leadership. Being one of the first speakers to take the floor I am going to go through our concerns in rough order within the framework of the five minutes I have. I will refer to the second part of the Report of the Director-General and say that we, the French Employers, are in favour of restoring the balance of the standard-setting instruments. Why? First, the ILO instruments are numerous, often complex; they have been developed over the decades; some overlap; others are no longer appropriate.

Furthermore, globalization has led to national situations which are very diverse when facing up to economic and social development. Technological change is rapid, far-reaching and permanent. There is therefore a certain contradiction today between regulatory practices and the development process related to globalization.

Against this background we require more inciting instruments before we arrive at more restrictive instruments that often act as a deterrent when it comes to ratification. There are many of us in the assembly that deplore that aspect. We must therefore avoid setting standards prematurely in some, either new or rapidly developing areas. This may stand in the way of development and hence, employment.

We therefore support the questions raised by the Director-General. First, a better choice of subjects; secondly, choosing the time when a subject calls for effective action; thirdly, reactivating the autonomous status of Recommendations which we have lost sight of over the years. One clarification is called for here — as we see it, we are not talking about calling into question the standard-setting policy. We are talking about choosing, at a given point in time, the instrument that is most appropriate when it comes to dealing with the major changes taking place everywhere.

Fourthly, the questionnaire, this is not a minor point. It reveals, like I said already two years ago, a method of consultation which is too rigid. Leaving little room for national realities and diversities to be expressed themselves. There is no provision for national consultation, which really crowns it all in a tripartite organization. As the Director-General has said, it anticipates future instruments too much, leading to numerous misunderstandings and particularly to insufficient consultations, rendering these less credible amongst the people that should adhere to them. We should therefore involve the local protagonists in a different way.

To sum up, in a world which is increasingly developing education, training and culture today, partly due to new information technologies, we require instruments that will serve as an encouragement which make people responsible before they serve as constraints. In this way it will better take into account the new thinking of wage-earners in our various States.

I would now like to refer to the first part of the Report of the Director-General. Allow me to take this opportunity to point out that in France the social partners, jointly, made a contribution which was submitted to our Government for the Singapore Conference.

These are the main points that were contained in this contribution. It recommended the application of fundamental social standards. It reaffirmed the fact that the respect of these standards is not aimed at calling into question comparative advantages of countries, nor justifying the recourse to restrictive trading practices. It stressed the role of the ILO on this issue. Finally, it pointed out that liberalization of trade is not an end in itself, and one of its objectives is to improve employment conditions. This last point is often overlooked. The President of the French Republic, furthermore, mentioned these points when he addressed you last year.

Having reminded you of these points we take note of the proposals of the Director-General, in particular with regard to the social label. We would like to specify that these proposals must be examined, criticized objectively with an eye to a pragmatic approach to the diverse national situations, to their sectors of activity, their enterprises, their size, whether small or large.

The accompanying role of the ILO can be crucial here, but once again there is a main major risk of incoherent standard setting. The Report refers to initiatives being developed in enterprises, in particular using codes of good conduct, and in a number of NGOs. This does not necessarily justify a standard-setting instrument, even a more flexible one. However, it is up to the actors in each country to deal with the situations and to respond through dialogue with those responsible for the initiatives. Furthermore, why not, wherever possible in a given country, encourage the two actors, employers and workers, to take initiatives within their own field of action, i.e. the economic and social field. These initiatives progressively and methodically lead to the implementation of fundamental social rights, taking into account the economic, social and cultural realities of the given country (in the context of education, training and apprenticeship, which are essential). All this is fundamental and very important with regard to the debate on child labour.

The ILO will follow and accompany such steps. In some countries the social partners could play a fundamental role which could lead to a national approach that would really be truly tripartite. They could thus create a progressive dynamic which would mobilize all levels of the economic life in the countries concerned, more rapidly than a global social Convention. This realism would require appropriate follow up and monitoring by the ILO. This approach could serve as an example and be used by other States. More generally speaking this approach would thus render credible the implementation of fundamental social rights and make other States less reticent when it comes to this.

On behalf of the French Employers, to sum up, I would like to refer to a number of recommendations. The Solemn Declaration of 1998 should be both didactic and pragmatic. It should offer several methods in order to take into account both the economic and the socio-cultural circumstances of States. This Declaration should talk about the development of fundamental rights rather than the defence of such rights. We are talking about promoting these rights. We are talking about getting countries to subscribe to them. As for the ILO, it should talk about ultimate aims rather than objectives. This would lead to more politically oriented and less legalistic behaviour. Today, the ILO should feel fully responsible because all international institutions recognize its special terms of reference. The Copenhagen Summit was an illustration of this. The ILO's mission is clear. It now has a considerable responsibility when it comes to providing information. With this in mind, it should provide more information, make its missions, its means, its actions known beyond these institutions. How many workers are familiar with ILO missions and the activities of the ILO which concern them above all? We are talking about their conditions of employment, the conditions of access to jobs. Unfortunately, many people know nothing about this, in a large number of our States. This situation has to change if the ILO is to take a credible approach to the third millennium.

Original French: Mr. JUNCKER *(Prime Minister, Luxembourg)* — I should like to start by sincerely congratulating the President on behalf of my Government on her election to the presidency of this session of the International Labour Conference.

She is assuming this office at a very important session; in the next two weeks we will need a great deal of imagination, determination and courage in order to lay the groundwork for an equitable social framework of the multilateral trade system, so that all the parties involved can enjoy the benefits of trade liberalization. I would also like to congratulate the Director-General on his excellent Report, *The ILO, standard setting and globalization.* The quality of this text teeming with ideas and especially the very specific suggestions for solutions put forward make it an indispensable reference work for any discussion on the subject.

In my view, the Singapore Ministerial Declaration of December 1996 set forth the fundamental principles of the debate on the need to ensure that the economic and social benefits resulting from globalization go hand in hand. Firstly, we all agree that freer trade has to be accompanied by genuine social progress. Secondly, we believe that the ILO is the competent body to lay down universally applicable labour standards and supervise their application. The ball is in our court, and we have to play it fast and true, to use the image put forward by our Director-General. This assembly must agree on concrete action, while achieving consensus. This is all the more so since the work carried out over these last months has helped dispel misunderstandings and move away from mutual accusations of social dumpling and protectionism, and today gives us an opportunity to make a fresh start. The European Union Asian conference, at which we will meet with our Asian friends, is the first concrete step in the process that should lead to the adoption and implementation of common ground rules.

We must not delude ourselves: economic development does not automatically mean social progress. Of course there is no contradiction between them, but there may be a time lag. History has shown this; I am thinking, for instance, of the integration of Europe. For much too long, we have neglected the social aspect, no doubt believing that it would follow automatically in the wake of economic growth, but it proved much more difficult than we had foreseen, and today we have to make good these shortcomings as we build a social framework for Europe, encountering many obstacles along the way.

In the light of our European experience we must take a more voluntarist approach. To adopt a *laissez-faire* policy of "anything goes" when it comes to the social progress that should go hand in hand with the economic growth resulting from the liberalization of free trade would spell disaster.

We support the idea of a declaration of the International Labour Conference, which should be based on certain guiding principles.

Firstly, we should agree on a platform of fundamental rights of workers. The seven international labour Conventions proposed by the Director-General, as I see it, constitute a useful, albeit minimum framework.

Secondly, the ILO's standard-setting work cannot be reduced. Standards are the linchpin of the whole system. The Director-General's Report suggests some ideas on how we can improve the system. My Government is particularly interested in the increasing role which could be given to Recommendations.

Thirdly, globalization will only yield positive overall results if the workers who contribute to creating wealth also enjoy its fruits, particularly in terms of their rights and social protection. The idea of universally recognized social labels merits further thought.

Fourthly, the multilateral system in its economic and social aspects can only function properly if all the actors apply the standard-setting instruments, and we must ensure that the ILO has the necessary tools to this end; this universal and tripartite — and hence unique — institution must not be allowed to become a paper tiger. The Report of the Director-General suggests specific means of enabling the ILO to carry out more effective supervision.

Fifthly, any action we take should be planned stage by stage in a precise timetable.

Sixthly, what we undertake today must not be "art for art's sake". Revamping the ILO's standard-setting activity is not an end in itself. The results of our discussions must be felt by the other actors involved. If I may say so, we must send the ball back to court of the World Trade Organization. The two entities must not just coexist side by side, there must be regular exchanges between them.

This Conference is duty-bound to lay down a social framework for the globalization and liberalization of trade. If we are to start the "virtuous circle" of economic progress and social progress, we must succeed. There are many people watching us expectantly. We do not have the right to let them down.

Original Greek: Mr. PAPAIOANNOU *(Minister of Labour and Social Security, Greece)* — Madam President, I am particularly pleased to participate in the 85th Session of the International Labour Conference, and I should like, first of all, to express our heartiest congratulations on your election. We are sure that, under your guidance, the work of the Conference will be brought to a successful conclusion.

I would also like to state that the Report of the Director-General presents, in a precise and positive manner, the potential of the reviewed ILO standard-setting action in a context of trade liberalization and the globalization of the economy.

The Report is well thought through and the Director-General makes a critical and positive assessment of the effectiveness of existing international standards, and proposes original and constructive solutions for the renewal of standards to ensure both economic and social progress.

In recent years very profound changes have taken place in the social, political and economic fields. These extremely important changes have come with extraordinary and unprecedented speed.

We must highlight the globalization of the economy due to the expansion of international trade, movement of capital and proliferation of multinational enterprises which invest in various parts of the world. In this new context, the globalization of the economy, offers chances of improving living standards everywhere, but it also seems to present a threat to employment and wages, particularly among unskilled workers in the developed countries, and to working conditions in the least developed countries where the level of social welfare is rather low.

In order to mitigate the adverse consequences of globalization, and in order to achieve the desired objectives, coordinated international action is required in the area of social justice as expressed in the Declaration of Philadelphia, the main instrument of the ILO. As Mr. Hansenne has said in the Report, economic and social progress must go hand in hand; and I am convinced that we all agree with this statement. International labour standards have always and, in my opinion, will continue to be the most effective means of attaining the goal of social progress.

More specifically, the respect for standards on the fundamental human rights of workers is an indispensable prerequisite for both improved living and work conditions and for the development of the process of trade liberalization.

But how can ILO standard setting become more productive and effective? The Director-General, in his Report, proposes very precise measures such as a broader and fairer selection of issues corresponding to the present needs of member States, highlighting the international labour Recommendations — instruments which are not binding but which could profoundly influence social policy and legislation and, lastly, the creation of a mechanism to evaluate for the international instruments.

I am convinced that everything that Mr. Hansenne has proposed goes in the right direction. I would also like to add that the ILO must try to stimulate the political will of member States in order to ensure the implementation of its standard-setting activities.

I would also like to note that the proposed solemn declaration codifying the constitutional principles of the ILO, and the concept of an international labour Convention on a "social label" would constitute a platform of action for member States to recognize the social dimension of the economy.

I would like to point out that my country, as a founding member of the ILO, has the greatest respect for the Declaration of Philadelphia, and has recently initiated social dialogue on three main subjects — development, employment and competition. This dialogue also touches upon the important issue of social security.

In my opinion, these three points at the same time complement and reinforce each other: competition creates jobs and is the best way of redistributing wealth. It is also the most effective guarantee of development.

I am convinced that the outcome of this dialogue will be extremely helpful and will be borne in mind by our Government in the formulation of its economic and social policies as it reflects the convergence of various points of view expressed by many social groups.

I would like to note that because of globalization, the role of international organizations is increasing in importance. Among such organizations the ILO is the only one which, through its standard-setting action, can respond to the hopes of peoples, safeguard industrial peace, contribute to job creation, defend human rights, and improve living conditions throughout the world.

Here I would like to propose that the ILO in the near future should take initiatives with regard to work time.

The reduction of work time has traditionally been regarded as a factor which has contributed to the absorption of an excessive number of jobseekers and reduction in unemployment rates.

Such an initiative coming from a credible supra-national organization like the ILO could, on the one hand, dispel the concerns of governments for the possible loss of comparative advantages of similar domestic measures, and on the other hand, pave the way for international regulation aimed at increasing employment, an objective which corresponds to the tradition and mission of our noble Organization.

Original Chinese: Mr. LI *(Minister of Labour, China)* — Madam President, allow me to congratulate you on your election to the presidency of this Conference. I believe that with your wisdom and experience you will steer this session to a successful conclusion. Now I would like to state, on behalf of the Chinese Government, our views on questions relating to labour standard setting.

The Chinese Government has always attached importance to the setting of international standards, and has strictly observed the basic principles set forth in the ILO Constitution. In recent years, arising out of the need for a socialist market economy, and with reference to international labour standards and foreign experience, the Chinese Government has formulated a labour law and a series of special regulations thereby bringing Chinese labour activities onto the legal track.

The sustained and rapid development of the Chinese economy and constant improvements in our labour-related legislation have resulted in more effective protection of the rights and interests of Chinese workers and have also created favourable conditions for approval and implementation of international labour standards. The Chinese Government has studied the major Conventions at the top of the ILO's ratification list and has decided to give primary consideration to ratifying Convention No. 138 concerning minimum working age. Recently, the Standing Committee of the National People's Congress has ratified Convention No. 122 concerning employment policy. In the future the Chinese Government will, as always, actively participate in the formulation, ratification and implementation of labour standards so as to contribute to the healthy progress of standard-setting activities.

The trend towards economic globalization and trade liberalization has indeed raised many new questions in the field of international labour, therefore it is necessary to readjust and reform the ILO standard-setting activities. However, such readjustment and reform should only proceed on the basis of broad consensus after thorough consultations.

It is our view that when standards are set and adopted adequate consideration should be given to the social and economic development level of the majority of member States. For developing countries, which constitute the overwhelming majority in the membership, the existing labour standards, taken as a whole, do have the defect of being excessive in number and in criteria. At present many countries, particularly developing countries, are yet to ratify more standards. This is not because of the lack of political will but rather as a result of their limited capabilities. The key to solving this problem lies in more economic development and better labour legislation in the member States. At the same time, the ILO should provide its Members with more effective technical cooperation and assistance tailored to their actual needs.

The implementation of standards should be strictly limited to the terms of reference of the ILO. Some people have proposed the launch of a "social labelling" campaign to strengthen it. However, in essence, the labelling of one country's products as being up to labour standards is tantamount to openly advocating the rejection or boycott of products from other countries. This in fact links labour standards with international trade and represents trade protectionism in disguise. It also contravenes the spirit of affirming the comparative competitive advantage of developing countries that is laid down in the Declaration of the Singapore Ministerial Conference, and will only lead astray the effort to implement labour standards. Therefore this is something we cannot accept.

With regard to the strengthening of monitoring of basic labour standards, we stand for strict observance of the ILO Constitution rather than making materialistic interpretations of it. One view is that better implementation of basic labour standards requires some type of new mechanism, including the formulation and adoption of a declaration of basic principles, or other form of instrument in addition to strict supervisory procedures. The nature of this proposal forces Members who have not ratified the standards to undertake the same obligations as those that have ratified them. This is not consistent with the provisions of the Constitution. Such practice of imposing labour standards by means of pressure can only intensify disputes and it would not achieve the objective. We stand resolutely opposed to any attempt to transform the ILO into an international tribunal.

In conclusion, I would like to point out that given the new situation of economic globalization and the requirements put on the ILO by the Copenhagen Social Summit, the strengthening of labour standards is admittedly a major undertaking. However, it is an even more important and arduous task to assist Members in the building of their economies and efforts to promote employment in order to eliminate poverty and achieve social harmony through full employment. We would therefore appeal to the ILO to concentrate most of its energy on its historic mission of increasing employment and eliminating poverty, while promoting the setting of labour standards. Only in this way can the Organization live up to the expectations of its Members and better rise to the challenges of the twenty-first century.

Original Portuguese: Mr. MENDES DOS REIS *(Minister of Labour, Youth and Social Welfare, Cape Verde)* — Allow me, first of all, on behalf of my Government and in my own name to pay tribute to this august assembly and also to wish it every success in the work of this 85th Session of the International Labour Conference.

We would like to congratulate the President in particular on her election to chair this session of the Conference.

Allow me to assure you of the importance our country attaches to this Conference, which provides us with a forum to exchange experiences and information and, perhaps most importantly, a place where we can seek solutions to the problems we all face.

We have listened with great interest to the Report presented by the Director-General that describes the activities undertaken by our Organization with regard to labour regulations, the promotion of employment throughout the world and the struggle against poverty and social marginalization.

The international economic situation being very complex and difficult, the world is now facing new phenomena where clear signs of progress go hand in hand with the globalization of poverty. Unemployment and poverty affect more people and have a stronger impact on the African continent and in particular Africa south of the Sahara, where it is especially endogenous causes that have led since the beginning of the last decade to an unprecedented deterioration in the living conditions of our population.

In this part of the continent, the per capita GNP dropped by roughly 10 per cent between 1980 and 1990. World prices for our main exports fell by roughly 50 per cent. Capital investment dropped by more than 50 per cent in real per capita terms, and in 1989 the debt level of the region reached 97 per cent, by far the highest figure worldwide.

Consequently, the marginalization of Africa, and particularly Africa south of the Sahara, has worsened over the last 20 years. ILO data show that more than half, i.e. 55 per cent, of the population of this region lives at or below the poverty line.

A number of countries have tried to solve this situation through structural adjustment programmes which have in many cases led to an attempt to rebalance the economy at the expense of social progress. To face the challenges and problems we are dealing with at the world level, we have to create a new development model that focuses on the individual; one in which economic growth is a means, not an end in itself; one in which economic development and social progress are not incompatible.

Above all, what we need is a firmer, more positive commitment on the part of all nations of the world to reach a new era of cooperation in favour of development.

Cape Verde, apart from being an archipelago, is a country without any natural resources, afflicted by persistent drought and with an ever-growing population.

As a result, we have two major social problems — poverty and unemployment. Indeed, 30 per cent of the population is poor, and 14 per cent are considered extremely disadvantaged. Our unemployment rate is high — more than a quarter of the active population is unemployed.

My Government already has a programme to combat poverty which has a unique and coherent framework and includes measures and policies aimed at fighting poverty by helping the poor and severely disadvantaged, with an eye to achieving a real and lasting drop in the current poverty level of our country. Through various measures and policies and within the constraints of our existing resources, the Government is trying to turn around the upward trend in unemployment. Our national development plan for the period 1997 to 2000 has as its main objective employment. Success in promoting employment is dependent on the successful implementation of our development strategy, and a dynamic integration in the world economy. We feel that this is the most appropriate approach in order to guarantee self-sustaining economic growth which will make it possible to tackle the problems of structural unemployment and to improve real incomes.

The promotion of small and medium-sized enterprises by offering appropriate financial facilities is a constant concern in our employment policy.

I would like to conclude by expressing the wish that the work of this session of the Conference will meet with success, and that the decisions taken will contribute towards the shaping of a more human world characterized by greater solidarity.

Mr. SUZUKI *(Employers' adviser, Japan)* — The Report of the Director-General presented to this Conference explains his basic thinking on how to promote and strengthen the ILO core standards and on future standard-setting activities of the Organization. I would like to reflect on some aspects of ILO standards.

It was Robert Owen who introduced the concept of the international regulation of labour problems and it was the ILO which followed up this concept. It took the form of Conventions and Recommendations which were to be ratified by the member States with a view to facilitating problem solving in respect of national labour issues. The point that I wish to make here is that the labour issues to be dealt with by the member States in the context of the international regulations and procedures adopted by the ILO are domestic issues, not new issues brought about by the process of globalization. The new issues and problems characterized by cross- border issues and resulting from the globalization of labour are totally different from the so-called domestic problems which ILO standards and procedures address.

In this sense there is a form of limitation to the concept of the international regulations and procedures adopted by the ILO.

Another characteristic of the international procedure provided by the ILO is that there is a built-in hypothesis which presupposes that member States are entirely capable, and in extreme cases would have the power to solve their labour issues by means of their laws and regulations. This hypothesis you will often discover in ILO questionnaires. I think this position could entail an undesirable undemocratic characteristic by eventually ignoring the fact that all member States are already taking the subsidiarity principle as one of their basic national policies. Member States are built not on the top-down but on the bottom-up principle, which is essential for democracy and true social progress. I wish to stress that the inattention of the ILO to the subsidiarity principle and the narrowness of its approach will constitute a major weakness in today's ILO standards and procedures in the context of the current trend towards the globalization of the world economy.

As everybody recognizes, globalization and the intensified spread of information technology and systems have affected member States in two ways. The first is a weakening of the ability of member States to solve their problems on their own and the other is a declining trend in the size and representativity of trade union organizations. These two effects have a negative impact on member States. Nation States have an increasing need to rely upon the expanding roles and functions of the social partners, while the social partners are growing weaker, undermining the necessary possibilities and opportunities of citizens for greater participation in solving new problems. This calls for the ILO to formulate a new strategy similar to the suggestions contained in Part II of the Report.

The question of how to overcome these weaknesses is the one to which the ILO must first find an effective solution. I doubt whether overemphasizing universalism will help us to solve any questions, simply because such emphasis tends to overlook its own weakness incorporated into the ILO standards and procedures, as well as the growing question of the adequacy of the legal enforcement of universal principles at various stages of a member State's development. The discussion on child labour illustrates the state of affairs concerning this point exactly.

Instead, I think it would be fitting for the ILO to adopt a solemn new ILO declaration in clear and simple terms incorporating the subsidiarity principle as the ILO's basic and universal principle. This type of declaration would help not only member States but also their private sector constituents to discover new and appropriate ways and means of solving domestic questions and would also enlist the support and initiatives of all those involved in order to cope with new issues arising from globalization. It would also help member States, including their tripartite constituents, to do everything possible to cooperate with the ILO in addressing new issues and problems arising from the globalization process. Let me take an example — the Japan Federation of Employers' Associations known as NIKKEIREN has developed and adopted the NIKKEIREN Blue-bird Plan, named after the well-known work of the Belgian Nobel prize-winning author, Maeterlinck, and we are implementing it. It is basically a private sector employers' initiative attempting to find a third option (a blue-bird) taking the efforts of other industrial countries as reference points complemented by the good points of our society, in order to avoid increasing unemployment and widening income disparities and to improve living standards without worsening the employment picture in Japan.

We, the Japanese employers, are attempting to reform Japan's high cost structure by deregulating the excessive rules and regulations. We also proposed a basic structural reform law, which was adopted by the Government. But one element which must remain constant in the process of reform is the positive relationship between management and labour to act as a stabilizing force in society. As soon as the basic message of the subsidiarity principle is understood by ordinary people, widespread cooperation and increased initiatives will be seen and true tripartite cooperation will emerge, therefore social progress will come within the reach of the ILO.

The proposal for a global ILO report, based on individual country evaluations, depends on the universalism and jurisdiction of the Office. I would prefer to see the exercise of report writing based on the bottom-up approach rather than the top-down approach taken by the Office.

The concept of an overall social label proposed in the Report conveys a connotation of a punitive measure which may, in the final analysis, not serve the purpose of the ILO — hence I cannot support the idea. To come into force, ILO Conventions should require ratification by more than five countries in order to help member States to cooperate among themselves in solving new types of problems.

Better designed recommendations for member States or groups of member States, together with a wider range of choices of agenda items, will receive our support. However, we need to emphasize that the revision of Conventions in force should also be carried out in keeping with the requirements of the times, and the denunciation procedure should also make it easier for member States to introduce the required changes. All the points mentioned above will in fact contribute to an increase in the ILO's credibility which is very much needed at this point in time.

Mr. GREENIDGE *(Minister of Labour, Community Development and Sports, Barbados)* — I join other distinguished representatives in congratulating the President on her election to the presidency of this Conference, and wish her every success in her term of office.

In my address to the 81st Session of the Conference, I drew attention to the resolve of the social partners in Barbados to continue the practice of national tripartism in the development of guidelines for prices and incomes policies within the economy.

I am pleased to report that these efforts have led to the extension in April of this year of the second prices and incomes protocol by six months, subject to consultations on the conclusion of a third protocol.

Because of the small size of Barbados and its consequential susceptibility to the volatile global economic environment, it is essential for us to preserve this tripartite approach to consensus-building on issues of macroeconomic importance.

The social partners and the wider community of our country are proud of our achievements in the sphere of national tripartite consultations, and no effort will be spared by government in preserving the integrity of this process. By their actions the other social partners are equally committed to this objective. To do otherwise would lead to the re-creation of a *laissez-faire* system that would encourage adversarial relations. Effective tripartism is a necessity for stable industrial relations and the sustained growth and development of small States like Barbados.

This brings me to the second issue I wish to call to the attention of this august body. It relates to the special position of small emerging economies in the international community and the need for the ILO to take cognizance of this fact and to examine the possibility of making special arrangements in relation to their ratification of ILO standards.

The governments of many of these small countries cannot cope with ratification of some Conventions because of their perceived inability to establish the machinery necessary to oversee the legislative and administrative processes that devolve from ratification. Effective ratification depends on the availability of technical, financial and administrative resources which regrettably are in short supply in many small States.

Therefore it would be advantageous for the ILO to include transitional provisions in the Conventions to allow the governments of these countries to apply a time-frame for implementing the standards.

Understandably, small independent States are required to observe the obligations of membership as laid down by international organizations. At the same time it must be recognized that there are instances where the obligations of membership cannot be honoured because of the limitation of size. The standard-setting obligations of Members in the ILO is such an example, and I urge the Organization to draw on the experience of other international bodies that have made special provision for small States in the conduct of their operations.

While making this call, I must publicly express the appreciation of the Government of Barbados for their outstanding support rendered by the ILO Office and multidisciplinary team based in Trinidad and Tobago to the social partners of Barbados and the wider Caribbean. The recently held meeting of the Standing Committee of Labour Ministers in the Caribbean Community lauded the work of the Office and I urge the provision of adequate resources to ensure the continuation of its activities, in particular for the country objectives programme which would help to strengthen our economy's capacity for meeting the challenges of socio-economic development.

The record of Barbados in the ratification of Conventions is satisfactory, especially in the area of the so-called core Conventions, dealing with freedom of association, forced labour, equality of treatment and non-discrimination.

At the same time we recognize the need to proceed with the examination of other important Conventions on such questions as paid education leave, human resources development, tripartite consultation, nursing personnel, labour administration and vocational rehabilitation.

In his Report to this Conference on the subject of ILO standard setting and globalization, the Director-General, in reviewing the standard-setting process, recommends a move away from the "random" method of selecting subjects to a needs analysis to inform the development of a portfolio of proposals. This is a step in the right direction, for it helps to inject a customer-based approach in the standard-setting process that places a high value on relevance and appropriateness of standards.

It is noteworthy also that the Director-General proposes that greater use be made of the "autonomous" recommendation as a standard-setting device instead of linking this instrument to a Convention, as is customary. I hope that by the end of these deliberations we will have helped to chart a path that brings the social partners closer towards achieving social justice in the working environment around the globe.

Mr. DATO'LIM *(Minister of Human Resources, Malaysia)* — During the 81st Session of the International Labour Conference in 1994, the ASEAN countries sponsored a resolution which in essence called firstly for a review of the relevant and obsolete ILO Conventions and secondly to resist attempts to link a social clause to international trade.

Recent trends indicate that we are moving in tandem with the aspirations of the ASEAN resolution. An example is the proposed constitutional amendment to be tabled by the Director-General of the ILO to authorize the Conference to abrogate obsolete Conventions. The Director-General's proposal on this subject is indeed timely as technological advances have brought about new occupational hazards in the working environment, which requires the ILO to shift its perspective in order to focus its attention on the new realities facing the workers. As regards the attempt to link a social clause to international trade, this subject should by right be put to rest. The WTO Singapore Ministerial Conference last December reaffirmed that the ILO, and not WTO, is the competent body to set and deal with labour standards.

Furthermore, the WTO Singapore Ministerial Conference rejected the use of labour standards for protectionist purposes and agreed that the comparative advantage of countries, particularly low-wage developing countries, must in no way be called into question.

In spite of this, the Malaysian Government regrets that the Director-General's Report contained a number of initiatives which are inclined towards linking labour standards with international trade. Some of the proposed coercive measures contained in his report, such as social labelling or the extension of the freedom of association supervisory mechanism to include other core labour standards, will generate widespread unemployment and hardship for workers and their families in the developing countries. These initiatives will be counter-productive to the ILO's efforts to promote full employment and raise the standard of living and welfare of the workers. Furthermore these proposals seem to reflect a lack of confidence on the part of the ILO in promoting labour standards using the power endowed within its existing constitutional framework. As such, the Malaysian Government is unable to accept these initiatives. Efforts to promote the ratification of core labour standards among the member States have the support of the Malaysian Government. Whilst the Malaysian Government supports efforts to promote the ratification of core Conventions, such efforts should be carried out in accordance with the spirit and intention of the Declaration of Philadelphia, which acknowledges that there are different socio-economic realities and technical capabilities among member States. A more pragmatic approach to enable member States to rectify core labour Conventions is through technical assistance, especially in human resources development, under the aegis of the ILO. This should be pursued vigorously in order to have the catalytic effect in providing the impetus for the developing countries to cope with the challenges of globalization and to uplift them out of their economic difficulties. The spin-off benefits will result in higher standards of living and better working conditions for the workers.

As a demonstration of our commitment and support for the promotion of labour standards, and in line with the relentless efforts and policies of the Malaysian Government to continuously improve the working conditions, socio-economic status and welfare of our workforce and their families, I am pleased to announce that the Government shall ratify two additional core Conventions, namely Convention No. 100 concerning equal remuneration for men and women workers for work of equal value, and Convention No. 138 concerning minimum age for admission to employment. We will pursue this matter with the Director-General of the ILO. The more pragmatic and effective approach suggested by me for the ILO to promote labour standards is in line with the labour policy of the Malaysian Government, which emphasizes tripartism and human resources development. This policy has brought about sustained economic growth and social progress and a harmonious industrial relations climate. The World Economic Forum, in its recent publication entitled *Global competitiveness report, 1997* confirms that in terms of industrial relations, Malaysia now ranks as the seventh best in the world. Nevertheless, we will endeavour to enhance our position for the benefit of our workers and their employers.

Mr. MARSHALL *(Employers' delegate, New Zealand)* — Given the change that has taken place around the world in the last 15 years, the new awareness of individuals as to both their rights and their responsibilities and the growing problem of unemployment as a barrier to social cohesion, it is appropriate that the Director-General's Report deals with the issue of international labour standards and the standard-setting function of the ILO.

This issue is one of great and increasing significance because the approach to standard setting which the ILO adopts appears often to be far too rigid, taking insufficient account of individual countries' circumstances. A great deal of time and effort can frequently, as a consequence, be expended in responding to the Organization acting in its "policing" capacity, for an outcome which is less than satisfactory to all of the parties.

The difficulty arises mainly because the ILO tends to have its own institutional view of how its standards should be interpreted, requiring countries to comply in "letter of the law" terms rather than appreciating that words on paper are often open to interpretation and that the view of what best constitutes compliance will vary from country to country.

The ILO's broad, fundamental purposes mean that the limits of debate in the International Labour Conference can never be narrowly circumscribed. These purposes include social justice as a contribution to lasting peace, and the right of all human beings to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, economic security and equal opportunity. These are fine-sounding words. The problem is how best to put them into practice. It is at this point that differences of opinion arise, and where allowing for different views is essential.

The approach which any country adopts to labour standards and therefore to social justice will, to a large extent, be dependent not only on the country's resources, but on prevailing opinion as to how standards can best be raised and social justice best achieved. At present, the ILO appears to favour an interventionist line, with governments urged to establish policy on an essentially European model. But it is far from clear that circumscribing private-sector business activity through well- intentioned intervention will produce the best result. As a recent article in the British *The Economist* pointed out, many protections put in place for the working poor now serve only to protect those in work; the "working poor" no longer have a job.

This is something which needs very much to be borne in mind when the question of standards development is debated.

From earliest days, it has been understood that some countries were better placed than others to implement Conventions and Recommendations. The fear was always that non-implementation might give some countries a trading advantage, or conversely, operate to impose a trade ban. The imposition of trade bans, of course, makes the likelihood of Convention implementation even more remote since such an imposition would serve only to hinder the development of those countries on which a ban is imposed. Trade bans, in reality, are often nothing more than de facto tariffs. It is on these grounds that the "overall social label concept" is seen as inappropriate.

The proposal that countries, on joining the ILO, should accept certain core principles has considerable merit but only if it is acknowledged that when a complaint is made, it will be tested against outcomes achieved, not against the process by which they are achieved. This will mean discarding the baggage of accumulated case-law and precedent. It will also mean, since outcomes are a reflection of Convention principles, a re-examination of the principles themselves in the light of a changed and changing societal and industrial relations environment.

The current precedence given to collective bargaining, for example, should give way to recognition of the right to choose whether a collective or an individual contract will apply. Similarly, it is time that the ILO recognized an individual's freedom not to associate as well as that to associate and accorded employers the same rights.

The Director-General's Report acknowledges the increased criticism levelled at the ILO's standard-setting system, and the fact that recently developed standards have registered very few ratifications. It is useful that his Report recognizes the need for change and raises options for consideration. Nevertheless, the concern remains that much of what is proposed, taken with an inflexible ILO approach to standards interpretation, has employment-destructive potential.

The trend in many countries nowadays is towards less, not more regulation. It is realized increasingly that more can be achieved through negotiation and individual initiative than through intervention and regulation. It is also understood that the best promoter of social justice is a stable and prospering economy.

Original Arabic: Mr. AL-SENANY *(Minister of Labour and Social Affairs, Saudi Arabia)* — May the peace of God be among you.

It is my pleasure to express my warmest congratulations to the President on her election to chair this session of our Conference. We hope that thanks to her wisdom and enlightenment we will achieve our objectives.

The Director-General's Report covers the subject of ILO standard setting in the light of the current international economic situation and globalization. This question is one of the most important aspects of the ILO's mandate and work. The Report sets out a number of proposals for the future standard-setting activities of our Organization, with the aim of inspiring the Conference to muster the political will required so that our Organization, on the eve of the new millennium, will be in a position to adapt to a new economic situation in the world.

The Director-General's Report contains a number of ideas which call for reflection and serious consideration on our part, as well as a discussion to find effective solutions. In so far as they address the question of the future of the Organization's standard-setting activities, and in order to take full advantage of the know-how of the Organization itself and the social partners, it might be useful if we drew up a questionnaire to be sent out by the Office to member States, which could include the following points.

Firstly, the need to reaffirm the conclusions of the WTO Ministerial Declaration adopted in Singapore, namely to the effect that the ILO is the competent body for setting international labour standards.

Secondly, that there is no need to establish a new procedure for the supervision and monitoring of the application of international labour standards; that to attain our objectives, existing mechanisms may either be considered as sufficient or may be strengthened under the ILO Constitution.

Third, the gap in growth rates among member States is a reality which cannot be ignored, and we should bear such differences in mind when we are drawing up international labour standards. What can be applied in some countries might be inapplicable in others.

Fourthly, since so few States have ratified the international labour Conventions, we should examine why this is the case, and consider the possibility of permitting partial ratification of some of the Conventions, so as to achieve greater flexibility in their application.

Fifthly, it might be desirable to review the working methods of the Committee on the Application of Standards, in so far as certain legal texts may lend themselves to various interpretations. That is why we propose that the activity of this Committee should be restricted to examining flagrant breaches of the Conventions, without going into detailed interpretations of texts which might be the subject of a disagreement.

I would like to emphasize the need for greater flexibility as far as application is concerned, as this will encourage a larger number of States to ratify Conventions and may increase the number of representatives of developing countries and different cultures on the Committee of Experts.

The agenda for this meeting of course includes a number of important technical questions which warrant our attention. I would like to take this opportunity to raise some topics which are of interest to Saudi Arabia, especially as regards small and medium-sized enterprises. Such enterprises have made tangible progress in all regions of our country. The private sector is a pillar of economic activity in Saudi Arabia. The various development plans have encouraged expansion of the private sector and the strengthening of small and medium-sized enterprises.

The State also invests heavily in the development of human resources as a fundamental element in overall social development. Much progress has been made in the field of education; we now have seven universities and numerous other institutes. Saudi Arabia has also emphasized technical and vocational training. Numerous training centres and technical institutes have been established in my country.

Israel is persisting in ignoring its commitments and international peace agreements. It is continuing to establish settlements on Palestinian land. This may block the peace process and could be harmful to employers and workers in Palestine and the other occupied Arab territories. We hope the efforts to find a comprehensive and lasting peace will continue, so that the establishment of settlements is finally halted.

In conclusion, I would like to express my heartfelt thanks to the members of the Governing Body, the Director-General and his staff for their work, and wish you every success.

Mr. TEMANE *(Minister of Labour and Home Affairs, Botswana)* — Allow me on behalf of the Botswana delegation, and on my own behalf, to convey to the President my most sincere congratulations on her well-deserved election to steer the deliberations of this session of the International Labour Conference. Let me take this opportunity also to congratulate the Director-General on his clear Report on the ILO's standard-setting role within the global economy. Indeed the ILO's impressive record of improving working conditions and quality of life, including employment opportunities, and ensuring respect for basic human rights, is attributable to the formulation of elaborate international labour standards pertaining to the high priority needs of mankind.

We welcome the continued debate on the connection between the globalization of trade and international labour standards. We, together with others, have in the last few years expressed our apprehensions about the conditions which some of our colleagues have sought to introduce into international trade agreements. It is perhaps necessary that once more I reflect briefly on this question. We should be ready to exchange views during this forum on developments outside this Organization such as the current dialogue on the liberalization of trade. The World Trade Organization's Ministerial Conference in Singapore directed the World Trade secretariat to work very closely with the ILO secretariat on trade and labour standards. The ILO and WTO should therefore continue to collaborate on issues relating to trade and labour standards in order to address the concerns of both developing and developed countries on the question of core labour standards. Ultimately, however, we are concerned that the issue of core labour standards could be used as a protectionist measure to erode the comprehensive advantage of the developing countries.

As we examine this question, we need to remember at our Conference that the world we live in is unequal. We must therefore be prepared to hear a variety of arguments over which measures must be assessed in order to achieve development. In spite of the differences, the North and the South should continue to work together in this Organization, since we realize that our destinies are interlinked. We ask our colleagues in the developed world to reason with us to the extent that where it is clear that freer trade may alleviate poverty in developing economies, thus contributing to the guarantee of prosperity in their countries, no impediments should be introduced.

My Government agrees that there are certain basic standards which all humanity must work towards. We must work harder at eliminating serious forms of forced labour. Forced labour should be a thing of the past. We must vigorously promote equality between women and men and the protection of children. Deregulated trade and commerce within countries should indeed be characterized by free, strong and accountable workers' organizations. As we examine these questions we must be prepared to engage in debates on definitional questions such as the ones relating to child labour. Without making excuses, there may well be activities which we in the developing world, and according to our traditional culture, would not classify as child labour.

One of the proposals raised by the Director-General is that we be more selective in producing new standards. He further suggested that the ILO constituents be mobilized more effectively in information gathering. We are in agreement. There is also considerable merit in the proposal that set criteria be used in the selection of subjects for standard setting. To establish an international standard presupposes that the subject-matter is of such gravity that it cannot be dealt with at national level by those immediately affected. Equally persuasive is the proposal on a systematic evaluation of the impact of instruments with regard to their economic and social effects. We share the view that self-evaluation and criticism would enrich the quality of our work. If we do not take the initiative ourselves somebody else will, and if we are found wanting we would only earn marginalization.

The Government of Botswana believes in the ideals of this Organization. We believe in a gradual upward harmonization and improvement of standards. We have, over the years, demonstrated this through periodic changes to our national labour legislation. We propose to go one step further. In this regard, it is my pleasure, and that of the Government of Botswana, to confirm as already announced this morning, that two weeks ago Botswana ratified five of the seven ILO core Conventions. In addition, four other important Conventions were ratified at the same time. We intend to ratify the remaining two core Conventions during the course of this year.

Original Arabic: Mr. ALKHASAWNEH *(Minister of Labour, Jordan)* — In the Name of God, the Merciful, the Compassionate! On behalf of my country's delegation, I should like to congratulate the President on her election to preside over this assembly. We are convinced that thanks to her experience and considerable knowledge, the work of this Conference will be crowned with success.

We consider that the subject dealt with in the Director-General's Report is very important and controversial, because it establishes a link between globalization and labour standards, hence the need to examine this question in the light of international events, and also given the fact that the Organization needs to shoulder its historic responsibilities in future. The standard-setting activity of the Organization has always been of considerable importance to us, given the long-term implications of efforts to achieve peace, cooperation and respect of human rights for all. Standard-setting activity will therefore always have our respect, in view of its long-term objective, the achievement of social peace. In this respect, a new impetus needs to be given to tripartite consensus within the Organization's mandate, taking account of differences in the degree of development of member States and of the essential need for flexibility in all its forms. The introduction of a social clause in the rules governing international trade is the subject of lively debate among the industrialized countries advocating such a clause, who seek to multiply their profits. The developing countries do not support the introduction of such standards, given the detrimental effects they could have on their economies, and their export industries in particular, since the positive effects for them lie mainly in the comparative advantage that would enable them join in the competitive fray. This is why we feel that it is necessary to continue the discussion and a balanced dialogue, and to take account of commitments undertaken in international organizations. Economic and social development should be complete, and international trade should not be restricted on any account. Having said this, we feel that unemployment is still a matter of considerable concern in the developing countries, as well as being a problem in the developed countries. It is a priority at the national level. However, it is difficult to deal with these problems through domestic employment policies without taking account of the need to cooperate with international partners in an international context. We consider that free capital movement to and investment in the developing countries, which aspire to solve the unemployment problem, should promote their chances of creating jobs, improving productivity, expanding trade, finding solutions to immigration problems and solving the problems arising out of the globalization of employment.

The Jordanian delegation appreciated the laudable efforts made by the Director-General with respect to the resolutions adopted by previous sessions of the Conference on Palestine and the other occupied Arab territories. We deplore the continuing violations committed by Israel, reflected in the report of the ILO mission this year as in previous years, in particular the settlement policy, the changes made in different parts of the occupied territories, in the Arab city of Jerusalem and many others. We call on the Government of Israel to comply with international resolutions, Conventions, treaties and peace accords signed between the parties concerned in the region. Lastly, we would like to see closer cooperation between Jordan and the ILO.

Original French: Mr. ATSAIN ACHI *(Minister of Employment, Public Service and Social Welfare, Côte d'Ivoire)* — The delegation of Côte d'Ivoire, which I have the honour of heading at this 85th Session of the International Labour Conference, would like to join the other delegations in congratulating you on your election as President. It welcomes the determination and consistency shown by the Director-General of the ILO in recalling to the conscience of the international community the social challenges which the member States of our Organization, in particular those in Africa, will face in the third millennium which will be even more marked by a rapid globalization of the world economy and the liberalization of international trade, a universal phenomenon which is breaking down new national borders every day.

Against this background of greater competitiveness, the major challenge for Africa is to ensure that economic recovery and restored growth lead to an increase in productive employment, sustained employment through coherent policies and programmes. The major challenge for Africa is to overcome poverty and provide its inhabitants with a sustained level of social progress. This challenge also means that Africa must convince itself more and more of the need for self-reliance, its own inventive capacity and imagination to set the course of its own destiny rather than to depend on the fate of others. The challenge is no longer to be a spectator but rather to be the actor in our own development.

Mobilizing national resources to allocate them to sectors where they are indispensable, such as education, health, agriculture, adopting tax systems that will promote the exploitation of vast national natural resources, introducing a form of resource distribution with an eye to reducing income discrepancies and encouraging self employment by promoting micro-enterprises and SMEs, strengthening a democratic system which will guarantee the constitutional state and the legitimate rights of workers, engaging in good governance, these are all specific challenges within the reach of the new creative capacity of the new Africa in this context of increased interdependence. We firmly believe in this in Côte d'Ivoire.

That is why my Government feels it is legitimate that standard-setting provisions should not stand in the way of this ambition. Obviously everywhere where intolerable forms of labour exploitation of men, women and particularly children might justify this ambition, Africa should rise up against this as it did in its declaration at the 20th Session of the Committee on Labour and Social Affairs of the Organization of African Unity which took place last April in Addis Ababa. As far as my Government is concerned, we therefore have to clarify the concept of the global social label in order to reassure my region that it has not been subordinating exports to respect questionable standards whose universal verification is furthermore virtually impossible and beyond the scope of the terms of reference of our Organization. Indeed, no African country is against a strengthening of the ILO's capacity to further its standard-setting activities, and the periodic preparation of reports on noncompliance with commitments, which its constituents have subscribed to freely.

However, fundamental standards that imply a disguised conditionality of access to international markets would destroy efforts to achieve economic recovery which are indispensable to an acceleration of social progress in countries of the African region.

The terms of reference of our Organization mention an extension of our work to prepare new standards in this context. Against this background standard setting should be aimed at developing instruments that are socially relevant and yet politically achievable and applicable. This approach involves permanent constant consultations amongst all Members in order to reach a voluntary consensus which is the mainstay of our Organization. It is in this way that the ILO will be able to ensure sustained social progress for its constituents. It is the path of true solidarity on the basis of this human ideal, that is social progress for all.

Original French: Mr. DEMBRI *(Government delegate, Algeria)* — Allow me, on behalf of the Algerian delegation, to warmly congratulate the President on her election to preside over the 85th Session of the International Labour Conference, as well as the other Officers of the Conference who will assist her. There is no doubt that under their wise guidance our deliberations will be crowned with success and will contribute to the promotion of social dialogue throughout our societies. We would also like to express our praise and appreciation of the Director-General's Report, *The ILO, standard setting and globalization*, a most pertinent theme for the international community.

If we agree with the Director-General of the ILO on the need for a certain parallel between the economic progress arising from trade liberalization on the one hand and social progress on the other, the fact remains that the measures proposed at the World Summit for Social Development in Copenhagen and the data in the declaration of the Singapore Ministerial Conference have still not been implemented in practice.

It is for this reason that the action of our Organization should be strengthened so that the fundamental rights of workers are recognized and preserved, for this is an essential element in the balance sought. The role of the ILO, during this difficult phase, is to encourage the implementation of mechanisms which will allow the member States to find acceptable compromises to reconcile the economic and social consequences of development.

My country, which has ratified all the ILO core Conventions, is particularly attentive to this question as it confers on tripartite consultation a special importance for finding successful solutions to the problems inherent in the multifaceted development of the international community, since social peace remains the firm base on which aspirations to progress and well-being can be built. We agree that concerted international action is now more necessary than ever in order to design and implement tangible actions to provide, at the international level, the necessary social measures to accompany economic globalization. This is what has essentially been established in the programme of action drawn up at the Copenhagen Summit and in the Singapore Declaration. We must also realize that without any firm and collective commitment to proceed in this manner, the effects of any national policy will be diminished in a global context; worse still, such policies might result in adverse consequences which would sow the seeds of decline and would distance countries and economic groupings from beneficial exchanges in areas such as international convergence and cooperation, from mutually beneficial market niches and from reciprocal systems where specializations would benefit all those involved.

For this reason, the ILO has an essential role to play in guiding the actions of member States in this area and suggesting suitable methods, taking into account the specific characteristics of each State, to achieve the desired effects. We thus hope that this session of the Conference will allow us to assess the efforts made by the member States and their view of globalization. We hope in the same way that the necessary relations between North and South will be defined so that there is a reduction in unfair trade and that a world of solidarity and collective progress becomes a reality. In a global context where structural adjustment policies are resulting in frightening levels of poverty, these approaches seem to us to be the number one priority. To see why, one should refer to the premonitory report commissioned by President Carter in the 1970s on the state of the world in the year 2000 and its pessimistic forecasts, including those pertaining to the continued deterioration of the social conditions in some of the least developed countries, which have since become reality.

Obviously, these problems add to the ongoing problems of poverty, the debt burden, where a different approach is sought which would take into account the political, economic and social dimensions of debt, the unequal participation in international trade and the lack of access to scientific and technical progress. No social label will be able to remove the constraints introduced throughout history or the dramatic effects of colonization.

In order to find suitable solutions for these imbalances, the countries of the South must re-establish themselves and be in a position to dynamically restore more equitable international economic relations and take up the North-South dialogue which would favour the establishment, on the basis of consensus, of an economic and financial system based on interdependence, solidarity and shared responsibility and where the rules of solidarity would also influence the laws of the market and could become the norm in the conduct of world business.

Analyses of the financial data show a clear drop in the Organization's budget in the past few years, and this is of major concern to us. In many countries, the implementation of support programmes is to a large extent conditional upon ILO assistance. The budgetary restrictions mentioned each year are far from reflecting the principles defended by our Organization and will certainly not help it extend its scope of action. In fact, if this trend continues, they may lead in the long term to the disappearance of the ILO as a universal guarantor of basic rights and of the participation of all development partners.

As we do firmly believe in the ILO and its role in protecting the rights of workers throughout the world, we cannot end without expressing our grave concern about the continued deterioration in the social conditions of workers in Palestine and the other occupied Arab territories, which constitutes a flagrant violation of prevailing international standards. The Director-General's Report explicitly calls for urgent measures and vigorous action to end the daily violations of the rights of Arab, Palestinian, Syrian and Lebanese workers who are subject to the illegal foreign occupation. This is a duty of solidarity, which at this time of high aspirations must be answered by the entire international community, as it is true that a country which oppresses another cannot consider itself to be a free country.

Original Spanish: Mr. VARELA *(Employers' delegate, Uruguay)* — Allow me to congratulate the President on her appointment and wish her every success in leading these debates.

The Report submitted by the Director-General to the Conference on this occasion shows his concern for the role of the International Labour Organization at a time of radical change in the world economy.

While this debate is not new to the ILO, it has lost none of its importance. The values upheld by the Organization cannot depend upon a given economic situation. However, neither should they become overprotective, representing obstacles to economic growth and trade among nations.

The ILO is a part of our world, and hence reflects the problems which our world must face. It is no stranger to the differences between the various economic systems, just as it was no stranger to the differences between the various political systems in previous times. It is not immune to ideological differences. When they separate men and women in regions, they also separate men and women within this Organization, making it more difficult to find a consensus but, at the same time, making that consensus stronger once it is reached.

One should therefore ask whether the role of this Organization lies in anticipating change and adopting standards which are intended to cope with situations where the rights of workers may be reduced or, on the contrary, to adapt to change and react to specific situations which actually do involve abuse or a divergence from the objectives for which the ILO was set up.

The first position is idealistic, the second is realistic. Hence we have the idea that a declaration should be drawn up containing the essential principles guiding us in this time of change. As this century ends, it will serve as a basis for activities in the next millennium. However, we do not share the view that this declaration should be binding and be used as a pretext to sanction those countries which move away from these guiding principles.

The ILO was set up by States and should not go beyond the limits imposed upon it by them. It should not become a world labour policeman.

The promulgation and dissemination of labour rights is one of our essential duties. The transition towards ever-more dignified conditions of work is another. It is in this sense that we should be guiding international labour standards.

Experience has shown that in the present context of change, those standards which have already been adopted should be updated. If we were to dedicate ourselves only to this task, the ILO, and the Conference in particular, would have years of work before them. On the other hand, suspending the adoption of new standards (unless there are specific reasons giving rise to this need) does not necessarily mean suspending standard-setting activities. The new Conventions will be the old ones, once they have been revised. We should continue to study those standards dealing with issues which in the past warranted an instrument but have not received a sufficient number of ratifications.

Conversely, if we do not adopt an appropriate pattern for change, States may study the possibility of denouncing Conventions when the economic situation has changed from the time when those Conventions were ratified. A recent denunciation of the Termination of Employment Convention, 1982 (No. 158) is a case in point.

If the quality of standard-setting activities or a specific standard is measured by the number of ratifications, then we must acknowledge that the situation is far from acceptable.

This underlines the need to concentrate on standards that have already been adopted, so as to understand the objections of governments, employers and workers and to remove any obstacles to ratification. It is quite probable that in that revision process we will add more flexible clauses to standards in order to adapt them to economic and social changes, as well as to cultural differences.

We also must take account of the opinion of employers to a greater extent when drafting standards. While governments adopt policies favouring the adoption of Conventions and then sometimes fail to ratify them, and workers constantly seek higher levels of protection, employers are more pragmatic in their approach and adapt standards to national realities, comparing them to the obligations under existing legislation and studying their possible effects on prices and employment, drawing their own conclusions.

Last year, an event took place concerning tripartism which emphasizes this fact. There was silent opposition on the part of the Employers, who preferred to keep out of the discussion rather than participating as co-sponsors in a standard that they felt was premature and not appropriate.

That situation should certainly not be repeated. Tripartism and consensus are among the ILO's greatest assets and every effort should be made to retain them, even if it means postponing the adoption of a standard. Texts drafted on the strength of a majority vote and not by a convinced consensus lack the moral force of those which are the subject of an informed consensus.

Before concluding, we should like to refer to the process of globalization in a context where economic blocks linked by agreements among States are emerging.

It is only logical that as long as there are adjustment processes taking place within these blocks, the parties will, as the Director-General pointed out, refrain from adopting new international commitments. When States discuss economic integration at the regional level, they do not consider it advisable to ask their firms to enter into new commitments unless they can be sure that their partners too are ready to do so. This slows the rate of ratification and shows the need to readjust standards, which have to be flexible.

To sum up, we believe that it is advisable that the standard-setting activity of the ILO during this period of change should be focused on modifying those Conventions that have a low number of ratifications. We should not insist on adopting new Conventions, but instead concentrate on the use of Recommendations to provide guiding standards, while assigning the task of technical cooperation to the Organization and its constituents in order to ensure the effectiveness of standards already adopted, and spread knowledge of the essential values that are the backbone of the ILO.

Original Arabic: Mr. AL-BUSAIDI *(Undersecretary of the Ministry of Social Affairs and Labour, Oman)* — We are very pleased to be able to participate with you in the work of the 85th Session of the International Labour Conference. We consider the Conference as one of the most important international fora which deals with humanity's future, and creates social justice for all in a world of constructive cooperation aimed at ensuring human rights and prosperity, without prejudice as to race, religion or sex.

We are very pleased to extend to you the greetings of Sheik Mohammed al-Esai, the Minister of Social Affairs and Labour. I would like to congratulate the President on her election to chair this session of the Conference. We are fully convinced that thanks to her experience and wisdom this session of the Conference will meet our aspirations and be crowned with success. I would also like to take this opportunity to pay tribute to the successful cooperation of the ILO with the Government of Oman.

Permit me to repeat that we are very interested in all of the activities and achievements of the Organization. We also wish to adopt all standards or legislation related to international labour standards, and therefore we wish to study closely all of the documents issued by this Organization. We would like to repeat once again that the translation of all documents at the ILO into Arabic is a vital question for all the Arab States. For all Arab delegations and countries to benefit fully from the documents and the activities of the Organization, Arabic must be an official language, as it is in the United Nations. We are confident that you will understand this request and realize the reasons why it should be accepted.

While recognizing the sincere efforts of the ILO aimed at reducing the suffering of the Palestinian people in the occupied Arab territories, we hope that the Organization will focus more closely on the need to eliminate the constraints imposed on Palestinian workers, so that their livelihood is not dependent on the whims of politics, the prevailing atmosphere of the day or military constraints, so that their work is no longer subject to oppression and violations. The ILO's attention should also be drawn to the situation of Arab workers on the Syrian Golan Heights and in southern Lebanon.

We hope that peace will prevail in the Middle East and throughout the world, and that all countries will respect their commitments and obligations in order to strengthen the peace process and to remove the threat of war which has caused so much suffering for mankind.

The Conference agenda is full of items for discussion. However, I would like to address the Report of the Director-General dealing with the standard-setting activities of the Organization and globalization. It raises a number of questions and ideas, and contains suggestions which we should think about with an eye to changing the supervisory system for the application of international labour standards, including a new mechanism to promote the universal application of fundamental rights and to ensure that standards are upheld during globalization. We would like once again to extend our thanks to the Director-General for his Report. But we feel that there is no need for us to resort to new mechanisms for international labour standards, because the present system is sufficient. As for the social clause, we must take into consideration the economic and social realities of the various countries, without damaging the interests of their peoples.

We fervently hope that this Conference will achieve the goals we have set so that the results can meet our expectations. We are convinced that we will all be able to safeguard and protect our countries' human resources against waste, exploitation and dangers, now and in the future.

Mr. ETIANG *(Minister of Labour and Social Welfare, Uganda)* — Allow me first of all to join others who have spoken before me in congratulating the President on her very deserved election to the high office of this presidency. The theme for this Conference, "the ILO standard setting and globalization", presents to us an opportunity to recast the image of the ILO in a world environment that has undergone profound change. Today most of our countries face increasing complex problems, such as international competition, international debt burden, unemployment and poverty, to mention a few. In many countries, particularly developing countries, structural adjustment programmes have been implemented in response to the debt crisis. These programmes have also aimed at restoring and enhancing the competitiveness of enterprises in order to attain a better penetration of international markets. However, the experience of many of our countries has been the lack of sufficient safety nets to ensure that the social costs of economic adjustment are not unfairly borne by the poor.

International labour standards remain the principal means of action for the ILO to promote social justice and human dignity. However, under the pressure of the changing world environment, where there should be the interplay of competitiveness and flexibility of the market forces, the future standard-setting work of the ILO is challenged.

Uganda acknowledges the need to promote the ILO Conventions on the fundamental rights of workers and also attaches priority to their implementation. This has already been demonstrated by the progressive ratification of some of the core Conventions and the prominence accorded to the provisions on the rights of workers, of women, of the disabled and of children in our new Constitution of 1995. To that end, my delegation supports the campaign by the Director-General to encourage member States to ratify the core Conventions. This effort however needs to be done through intensified dialogue and consultation with the employers' and workers' representatives. In doing so this could allow each State to carefully study the situation and identify the real needs and the means at their disposal before ratification.

To address problems of non-ratification or difficulties of application, more emphasis should be placed on the role of technical cooperation in the promotion of international labour standards with a view to helping member States develop and adjust their economic and social structures to enable them to ratify and apply the ILO Conventions. Technical cooperation could be increased, particularly for developing countries still going through the upheavals of economic reform.

For Africa the excruciating debt burden remains one of the obstacles to achieving sustainable growth and development. Africa painfully spends large proportions of its meagre export earnings on debt servicing. Tackling the problem of the debt crisis is therefore very critical in the process of enabling the region to pursue its efforts aimed at recovery development and social progress. In the light of the foregoing, debt relief measures should be more encouraged to ease some of the difficulties faced by the African countries. In this respect Uganda welcomes the debt relief initiative. I am particularly happy to note that Uganda is the very first African country to benefit from that facility.

With regard to the supervisory machinery, we support the need to strengthen the supervisory procedures, but within the ILO Constitution. Introducing special supervisory machinery for core Conventions is likely to lead to possible duplication and jeopardize the special procedure of freedom of association which has given a unique and valuable contribution in this field. The work of the Committee of Experts on the Application of Conventions and Recommendations would also be affected in a similar manner. Instead the work of these two Committees could be further complemented by greater use of multidisciplinary teams which have direct contact with their constituents.

The proposed establishment of a declaration on fundamental rights would open the floodgates to the social clause and the linkage of international labour standards to trade. This matter has been discussed at different fora and such linkage has been rightly rejected. While I acknowledge the interdependence between ILO standards and international trade, I strongly believe that ILO standards should be handled by the ILO and trade matters by the World Trade Organization.

Africa continues to be the most needy continent. It continues to have an overwhelming majority of the least-developed countries. More support, particularly for field programmes in the areas of poverty reduction and job creation and capacity building, is greatly and urgently required. I therefore appeal to the Director-General to continue maintaining Africa's share of the technical cooperation budget more favourably.

I also wish to express Uganda's support for the campaign against exploitative forms of child labour. We have a duty to bring to an end the worst forms of child labour. Nevertheless, I wish to observe that the concept of child labour in the African setting is slightly different from that in the industrialized world. There is therefore a need to consider child labour against the background of the cultural socio-economic environment and economic realities. In Africa children learn their skills by working side by side with their parents as part of the socialization process. This learning process should not be confused with child labour. It is therefore important for us to distinguish child work from child labour.

To conclude, I wish to join other African colleagues in requesting the Director-General to appeal to the American region and the Employers' group to urgently resolve whatever obstacles they have that have delayed them from ratifying the instrument for the amendment of the Constitution of the ILO, adopted in 1986. Africa is uneasy about the delayed implementation of these constitutional amendments.

I take this opportunity to renew to you, and through you to the entire international community, the commitment and the political will of the people and the Government of the Republic of Uganda to the principles and the objectives of the ILO.

Original French: Mr. OECHSLIN *(Employers' delegate, France)* — I am speaking to you today on behalf of the International Organization of Employers. Madam President, may I congratulate you on your brilliant election and thank the Director-General for his particularly stimulating Report.

The first part of the Report essentially goes into the fundamental rights of workers which clearly falls within the mandate given to the ILO by the Social Summit in Copenhagen, as confirmed in Singapore at the Ministerial Conference.

The Governing Body has already begun to study measures which might help increase the effectiveness of the ILO in that area. Developing countries must be allowed to take full advantage of their competitive advantage, while at the same time our Organization has to ensure effective recognition of certain basic social principles. After defining these principles on the basis of a few specific Conventions, we examined various ways of proceeding, including specifically the drafting of a declaration listing the most important fundamental rights, and ways of making better use of the reports which member States present to the ILO on the effect given to Conventions which they have adopted. The Employers in general support these initiatives and hope that the Governing Body will be able, under the Constitution in its present form, to turn them into concrete proposals in November.

The Director-General's Report also contains suggestions concerning an idea which has not yet been thoroughly discussed — the notion of the Global Social Label. The Employers were quite concerned when they learned of the Director-General's ideas. Beginning a new great debate on this topic might detract from measures which have been studied for some time and which could be more quickly implemented. All the difficulties have not yet been overcome, and we should be careful not to bite off more than we can chew.

Indeed, what may be possible for a single product may be difficult to apply to an entire economy, particularly when the activities only concern the internal market or are carried out in the informal sector. Member States may, along with the representatives of the employers and the workers, commit themselves to a policy to promote fundamental labour rights, but it is quite a different matter to consider setting up an international inspection system, even if it is implemented by national agencies, to monitor the effective application in all sectors of very vaguely defined principles. How can we be sure that the ILO label will not become a tool of protectionism? How can we see to it that it is applied in an absolutely impartial and verifiable way?

The second part of the Report, "More targeted standards for a greater impact", is of special interest to employers, who have advocated a new standard-setting policy aimed at devising standards which can be applied to the greatest possible number of countries. Indeed, it is true that most of the Conventions remain in large part unratified because they are unratifiable, especially in certain regions, for both cultural and economic reasons. We therefore agree with the Director-General that at this juncture we should reassert the value of Recommendations. We further agree with him that we have to rationalize the whole process of drawing up and adopting instruments, starting from the choice of subject, which should include more possibilities, right through to the different phases of the preparatory work and procedure in committees. All these arrangements can have but one aim: to facilitate the tripartite agreement which is the best guarantee that these instruments will be applicable in practice, thus ensuring their effectiveness.

We have also made some specific proposals, for instance, to make the denunciation of Conventions less difficult. There is no paradox in considering that this will facilitate ratification by more States, as some States may otherwise hesitate to take a decision which they think would later be irrevocable.

The Employers confirm the proposals they submitted in June 1994 to the Conference. That debate has already led to some progress. In particular, the Governing Body has undertaken to revise some of the Conventions. But this is just the beginning.

The Director-General in his Report quite rightly states that guaranteeing standards is not an aim unto itself, but rather one of the means with which to attain the objectives of the Organization. These aims are acknowledged by the constituents of the ILO. Employment is, in this time of globalization, at the heart of our concerns, as is the safeguard of fundamental labour rights. Standards are a tool which can be useful, but only if we commit ourselves to ensuring that these tools, which are now a tradition specific to our Organization, are brought up to date.

Original Bulgarian: Mr. NEYKOV *(Minister of Labour and Social Affairs, Bulgaria)* — Madam President, allow me first of all, on behalf of the Bulgarian delegation and also on my own behalf, to express my gratitude to the hosts of the current ILO session, and to congratulate you as well as the Vice-Presidents for your nomination to these important posts, and to wish you a fruitful and successful outcome to the Conference.

The subject of the Director-General's Report for this session is an issue of paramount importance for the Organization and for the member States. The subject is the ILO, standard setting and globalization. Standard-setting activity involves two aspects: on the one hand, it constitutes most of the activities carried out by ILO bodies and groups and, on the other hand, it is very important for the internal law of each country for the instruments adopted by the ILO and by the respective governments to become an integral part of law.

As has been emphasized in Mr. Hansenne's Report, good political will should be the prerequisite for up-to-date standard-setting activity in the forthcoming years in order to ensure social progress.

With reference to these points, I would stress that during the last few months, the changes which have taken place in our country have had a major impact on reform in all areas, particularly in the social and economic spheres.

The Parliament entrusted the new Bulgarian Government with the task of ensuring a legal basis for social reform in Bulgaria through the ratification of current ILO standards. In this sense, the Government, which was appointed some weeks ago, is determined to establish modern social and industrial legislation, including immediate preparation for ratification of new ILO Conventions such as the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Furthermore, the Prime Minister undertook to reorganize the national tripartite system of dialogue aimed at making this system an active one, and at becoming more closely connected to the people concerned. Some of the measures to be adopted by the new Government for this purpose are the tripartite dialogue's institutionalization at various levels, and should operate actively. A new body to be established is the "Economic and Social Council" in which NGOs can also participate for creative cooperation. We intend to overcome stagnation by submitting the instruments adopted by the International Labour Conference to the competent authorities, pursuant to article 19 of the ILO Constitution. The report on the Conventions and Recommendations adopted between 1992 and 1995 was submitted to the Bulgarian Council of Ministers and the report for the next period is also being prepared.

The Government is doing a great deal to solve the problems in the social realm as well as in the sphere of employment. The number of unemployed persons will increase because of ongoing structural reforms. Ways for creating alternative employment will be sought. The aim is to pass from a system for providing unemployment benefits to a more active system. Unemployed persons will be encouraged to seek out ways and means to set up their own businesses on the basis of funds provided.

Along with the above-mentioned measures, we intend to improve the system of social benefits so that these benefits can be obtained only by needy people and so that bureaucracy can be reduced.

I avail myself of this opportunity to express my gratitude to the ILO multidisciplinary team in Budapest and to its Director who visited our country this spring and thus became acquainted with our problems. I believe that the ongoing projects, for the implementation of which we shall rely on the CEET experts' assistance, will contribute to the social area reform process that has been substantially delayed in the last few years.

To conclude, I should like to express my wishes for the success of this Conference and for its fruitful work in the process of adopting crucial decisions and instruments for all member States.

Original Arabic: Mr. DERBI *(Government delegate, Libyan Arab Jamahiriya)* — Allow me to begin by expressing my sincere congratulations to the President and her Vice-Presidents.

I should also like to make some comments concerning the Director-General's Report, *The ILO, standard setting and globalization*. I believe that this subject is of capital importance for all countries, given its potential impact on the lives of people, including workers, throughout the world. The Report is fairly broad in scope, but does pose some dangers, particularly concerning the liberalization of trade which, if unbridled, may very well make it difficult for national legislation to protect domestic production from excessive competition, which could undermine our national sovereignty. Our countries could become a marketplace of consumerism for the dumping of manufactured goods. Our domestic industries could be forced to reduce their workforce and poverty and unemployment may rise, while our resources are depleted.

I should also like to make some comments on some of the ideas expressed in the Report, some of which we accept. First of all, international labour standards and their strengthening are questions of practical importance for progress and social security within the limits of national sovereignty and the prerogatives of the legislative authorities. Secondly, there should be no direct or indirect link, expressed or implied, between the liberalization of trade and the respect for international labour standards. There is no logical proof that this link should be maintained. Even the Singapore Conference rejected the idea of such a link which could jeopardize the work of our Organization which is a competent authority of great importance and differs from other organizations by virtue of its tripartite structure. Thirdly, we reject the establishment of new monitoring mechanisms as we need to optimize the benefits of the existing mechanisms. Fourthly, we also reject the concept of a Declaration of Principles and we urge countries to bear in mind the implementation of standards and to submit complaints as provided under the Declaration and the Constitution of Philadelphia. Fifthly, we do not support the proposal on social labelling because this would institutionalize international labour standards, encourage protectionism and bring in the social clause through the back door.

International labour standards cannot be applied in the current situation because the stronger nations are able to impose economic sanctions which hinder development and personal fulfilment. A great deal of harm has been caused to my country and to other developing countries against which sanctions have been imposed. These sanctions have had a direct impact on workers and employers. The Libyan Arab Jamahiriya has been harmed by the Lockerbie trial which in fact has meant a loss of over $18 billion. If that sum had instead been allocated to development, we would have been able to derive major benefits, in terms of development and social welfare, for both Libyans and non-Libyans.

We therefore call on the Organization to play a role in this connection to protect employment, safeguard the implementation of development programmes to create even more jobs, and to enable sanctions against my country to be lifted.

The Director-General's Report makes mention of follow-up on the implementation of 1974 and 1980 International Labour Conference resolutions concerning the situation of Arab workers in Palestine and the occupied territories and the consequences of the establishment of new settlements. The Report does not go sufficiently into detail on the continued abuses perpetrated by the occupying Israeli authorities, such as the violation of trade union freedoms, infanticide, the settlement of confiscated lands and the imposition of Judaism in East Jerusalem. The situation is no better in the Golan Heights where the inhabitants suffer similar abuse. We urge the Organization to follow very closely the situation of Arab workers in Palestine, the Golan Heights, Lebanon as well as in other countries to end their suffering and to ensure that the necessary resources are made available for programmes which enable the Palestinians to promote labour and improve the lot of their workers.

(The Conference adjourned at 1 p.m.)

Fourth sitting

Tuesday, 10 June 1997, 3 p.m.

President: Ms. Sasso Mazzufferi

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: The PRESIDENT (Ms. SASSO MAZZUFFERI) — We shall now resume discussion of the reports of the Chairperson of the Governing Body and of the Director-General. I would like to call upon all speakers to respect strictly the five-minute speaking time allocated, so that we do not delay the proceedings.

Mr. MELKERT *(Minister of Social Affairs and Employment, Netherlands)* — It is an honour for me to speak today in this forum so ably presided over by you, on the issue of international labour standards.

I think the Director-General was very right to focus his Report on the role of ILO standards, the ILO's crown jewels, in the setting of globalization. Michel Hansenne realizes that the international community has thrown down the gauntlet and that the ILO now has to rise to the challenge of ensuring fundamental workers' rights worldwide. We all agreed at the WTO Conference in Singapore that the ILO has to set and deal with fundamental labour standards. I believe that the Organization should not shrink from considering measures to improve its record on standard setting and implementation.

However, before embarking on the concrete proposals of the Director-General, let me just say a word about fundamental labour standards as such. It is clear that these standards must be applied universally. Poverty can never justify forced labour by children and other intolerable forms of child labour. These practices are beyond the pale in any economy. During the Amsterdam Child Labour Conference which was held last February, I felt that there was a growing awareness. I look forward to the ILO actively tackling this issue during the next sessions of the Conference. During the Amsterdam Child Labour Conference, there was consensus on the need to establish a monitoring system on child labour. My Government has committed itself to a first contribution towards an ILO proposal to establish such a child labour monitor and I would like to call on other governments to also consider contributing towards this. In this context, I would like to ask the Director-General to give us an update on the current state of affairs, including the approach foreseen to set it up.

The Government of the Netherlands warmly supports a number of ideas in Part I of the Director-General's Report. For instance, the spelling out of the principles of the Constitution and the Declaration of Philadelphia with regard to the fundamental workers' rights in a solemn declaration can play an important role. However, it is essential that this should be combined with a procedure to monitor compliance with the declaration worldwide. If necessary, compliance should be supported by appropriate ILO means of action including supervisory procedures and technical cooperation.

Also, other suggestions in the Report, in particular those referring to the existing precedent of the freedom of association procedure, should be explored further. I trust that the Governing Body in November 1997 will embark on an in-depth discussion of these matters, including the establishment of an appropriate work programme. It is operational and not merely declaratory action that we need now.

In the context of these discussions, it must be reiterated that any standards-related procedure in the ILO take place on a voluntary basis, as well as through the safeguarding of due process and does not result in sanctions. When, via monitoring procedures, problems with implementation become apparent, the first task of the Organization and the international community as a whole remains to aid the countries concerned by technical assistance. The basis for progress on the fundamental labour standards remains mutual understanding and confidence.

This morning we had a fruitful, informal discussion between European Union and Asian ministers on fundamental labour standards. During the meeting, it became apparent that mutual understanding and confidence, as well as cooperation, are the key elements for any progress here. To generate mutual understanding was the first purpose of our informal gathering, as mutual understanding is the precondition for lasting, effective action.

I feel that, in addition to the Director-General's proposals as spelled out in his Report, some other initiatives may also be explored. In the Director-General's campaign to actively promote the ratification of the fundamental labour standards, perhaps the organization of a conference exclusively devoted to the promotion campaign could be considered. Another suggestion could be to set up a special task force on fundamental labour standards, which would aim at the promotion of ratification and observance of these standards. In Part II of the Director-General's Report, I fully support the idea to improve the selection procedure and monitoring of standards. I think that the selection of subjects suitable for standard setting should be reconsidered in order to better meet the needs of these times. The poor record of ratification for a number of Conventions and the repeated calls for the revision of those has demonstrated that this process of selecting items for future standard setting has not always been adequate. The Organization is already dealing with this and I hope we will be able to embrace some of the new ideas.

Let me conclude by reiterating that the observance of the fundamental labour standards is a responsibility of individual States as well as the entire world community. The time has come to join hands to meet our common objective of social justice in the world.

Mr. FLYNN *(European Commissioner, European Union)* — May I begin by offering my warmest congratulations to the President on her unanimous election as President of the Conference.

I would like to address the issue at the centre of the Director-General's Report, namely, the guarantee of fundamental social rights and the related discussion around ILO standard setting.

The European Commission shares the view of the ILO on the real need for the widest possible respect for these rights and to insist that the process of globalization is accompanied by real social progress.

Since the World Social Summit in Copenhagen in 1995 and the Ministerial Conference of the WTO in Singapore last December, an international consensus has emerged around the existence of fundamental rights for workers embodied in the relevant ILO Conventions. In Singapore the WTO Ministers committed themselves to the respect of these rights, and they also confirmed the role of the ILO to defend and to promote them. It was a great opportunity for the ILO, it was also an enormous challenge.

So, ladies and gentlemen, a lot is expected of you, and I'd like to say that you are delivering. The campaign launched by Mr. Hansenne in 1995 for the promotion of the core Conventions has already started to show results in terms of ratification. The debate at this Conference is a further example of your commitment, and all ILO Members by virtue of their acceptance of the ILO Constitution should be bound to the respect of these fundamental rights.

The European Union's interest in the question of core labour rights is squarely based on our social roots. The principles of solidarity, social cohesion and respect for fundamental rights form the very bedrock of the European Union.

However, we do not ask countries at different stages of development or with different social structures to align their policies with those of the Union. We do not seek to deprive countries with lower wage levels or lower working conditions of exploiting their comparative advantage. What we do seek is a guarantee that fundamental freedoms will be respected, as higher living and working standards will flow from this, and this position is reflected in our policies and in our action.

Our system of generalized preferences provides incentives to beneficiary countries to adopt more forward-looking social policies. From 1998 onwards, those countries complying with ILO Conventions Nos. 87 and 98 on freedom of association and the right to collective bargaining, and with Convention No. 138 on child labour, will be granted additional preferences.

Technical assistance is also very important. The European Commission fully supports the ILO's International Programme on the Elimination of Child Labour (IPEC), and the first pilot project financed by the Commission within the framework of the IPEC programme will come on stream in the next few weeks.

Thirdly, cooperation agreements with non-member States include dialogue on human and social rights. May I end by putting my support behind Mr. Hansenne's suggestion to draw up a list of basic principles and to establish a monitoring system. A regular report by the Director-General on social progress across the world would go a long way in providing an objective view of social progress for all to see.

I cannot overemphasize the importance of this area of work for the ILO. Much of the task of ensuring social progress across the world now falls on your shoulders, and I would like to wish you all at this session of the Conference the very best of luck in achieving your objective.

Original French: Mr. AMEDÉE *(Minister of Social Affairs, Haiti)* — The Republic of Haiti is pleased to participate in the work of the 85th Session of the International Labour Conference, and on its behalf I would like to congratulate warmly the President and other Officers on their election. Under their leadership, the work of the 85th Session will undoubtedly be a success.

Allow me to share with you some of the problems raised in the relevant and timely Report of the Director-General. In particular, the Report mentions the strengthening of the standard-setting framework for the respect of working conditions in a world concerned with market liberalization, employment flexibility, and the inequalities which will no doubt emerge in the LDCs that are carrying out large-scale economic reform programmes.

Haiti has restored legality and constitutional legitimacy, which are prerequisites for economic and social progress. The population can now fully enjoy the advantages of democracy, and in particular its formal freedoms, one of which is freedom of association.

However, a great deal remains to be done. In addition to the structural problems the Republic of Haiti faces, its capacity to absorb migrants has been put to the test with the massive influx of several thousand fellow countrymen returning from abroad. During this process we were faced with everything from the need to take emergency measures to the definition of a policy for the reintegration of migrants in their communities of origin. The National Office for Migration had to be reinforced in order to cope with this exceptional situation. However, the precariousness of our economy makes it impossible for the time being to overcome this problem completely.

A great deal remains to be done to meet the aspirations of large sections of the population to a life characterized by greater dignity. This can only be done through employment. In this spirit, the Government of Haiti has set out to improve the framework for investment by creating a climate conducive to expansion, while gradually strengthening social protection mechanisms.

Greater attention has been given by the public authorities to the tripartite commission for consultation and arbitration, a forum for active consultation which as from the 1996-97 budget year received funding from the public treasury.

In the field of social security, considerable efforts have been made to assist workers. These include the inauguration of a screening programme for sexually transmitted diseases and a programme to detect eye diseases. The number of public bodies dealing with social protection has increased. In the near future, we will emphasize the introduction of a maternity insurance scheme for workers. The hospital of the OFATMA — the occupational accident and maternity administration — is due to be expanded in order to handle such services.

The Government of Haiti believes that the informal sector and small enterprises will become more important in future in overcoming the problems of unemployment affecting a large part of the active population, in particular those in marginal urban and rural areas. For this purpose, the CISD, or agency for the coordination of social measures in disadvantaged areas, specializes in granting micro-credits and helping the severely disadvantaged. It now has been given new means to cope with these challenges. The CISD's aim is to facilitate access to credit for categories of citizens who would otherwise find themselves completely excluded from such services.

These are the main approaches taken by the Government of Haiti to develop its activities in order to create a society in which every human being will be able to meet his or her needs in the field of employment. We all realize that it will be a long road to travel, but we know that we have to set our objectives and embark upon the road of recovery. We are convinced that this is where the future of the nation lies.

Mr. SMITH *(Minister of State for Education and Employment, United Kingdom)* — I welcome this opportunity to put on record the United Kingdom's wholehearted commitment to human rights and our full support for the ILO's efforts to promote internationally recognized core labour standards.

Equity demands that globalization and trade liberalization must go hand in hand with the promotion of basic labour standards and fundamental human rights. It must not be a question of eroding the competitive advantage of developing countries but seeing social progress reinforce economic growth, so that we have more of each where we have both.

In the United Kingdom we are committed to promoting the employability of our people and the economic responsiveness of both employees and employers. In Europe, and more widely, we are determined to pursue an agenda of flexibility, employability, jobs and fairness on the basis of responsive social partnership, so that we not only respond effectively to the challenge of economic change, but help shape its course for the benefit of all. This means that every person has the right to decent minimum standards alongside safeguards against the burden of excessive regulation. More importantly, it means that we must intervene actively to help people develop their employability, ensuring that they have the skills to get a job and to make the most of their employment.

The ILO has a long and honourable history of promoting democracy, human rights and fair working conditions. Much of the credit for bringing the issue of child labour to the forefront of current international debate must be given to the ILO. The International Programme on the Elimination of Child Labour has given the ILO an authoritative voice on this subject. It is a programme that has earned the admiration of donor and recipient countries alike for its focus on achieving practical lasting results through grass-roots partnership. The United Kingdom is already contributing funds to IPEC. I am delighted to announce that we intend to increase our support for this excellent programme.

A further mark of the ILO's success was the renewed commitment given by Ministers at the World Trade Organization Conference last December to the observance of core labour standards and to the primary role of the ILO in promoting those standards.

Now, commitment must be followed by action and our task is to ensure that the commitments made by Heads of State at the World Social Summit and by Ministers at Singapore are translated swiftly into concrete action. We shall be held to account at the coming World Trade Organization ministerial meeting and must be able to demonstrate real progress.

My Government attaches the highest importance to restoring the United Kingdom's reputation for fulfilling its obligations in the ILO. We reaffirm our full respect for the application of the ILO's core labour standards. One of the first acts of our Government has been to honour our pledge to restore freedom of association at GCHQ. I therefore greatly welcome this opportunity to announce formally the resolution of a long-standing injustice. Trade union rights at GCHQ have now been restored in full conformity with the United Kingdom's ILO obligations.

It is in this spirit that the United Kingdom Government can declare its unqualified support for the Director-General's vision of a revitalized system of international labour standards based on universal respect for fundamental human rights at the workplace.

A binding declaration embodying the principles implicit in membership of the ILO is a powerful concept. Work to develop this proposal should be taken forward directly to maintain the impetus towards the adoption of a declaration at next year's International Labour Conference.

Some of the proposals in the Director-General's Report will, of course, need further reflection and debate. The proposals for a voluntary global system of social labelling and for regular reports by the ILO on social progress are innovative and merit further discussion. We must attempt to establish the consensus across the ILO's membership which can carry them forward.

In the United Kingdom we are working to encourage ethical trading and investment. Our priority is to help business draw up practical codes of conduct to guide operations in developing countries. This approach is based on the conviction that the best results will be achieved through partnership between governments, trade unions, businesses and NGOs in developing practical codes of conduct which can be genuinely monitored and verified.

Turning to the second part of the Director-General's Report, I very much welcome the broad thrust of the ideas. The ILO's reform efforts to date have been impressive, but we must maintain the momentum towards greater efficiency and cost-effectiveness. It is essential that the ILO's standard-setting and supervisory machinery be brought fully into line with modern labour market needs — the ILO must not be left behind in the reform movement under way across the United Nations system.

The time is right for a systematic and comprehensive review of the ILO's standard-setting machinery and in this same spirit I strongly support the Director-General's proposal to evaluate the impact of international instruments in terms of their legal, economic and social effects.

Clearly, efforts to produce new international standards must be concentrated where there is an identified need. The Director-General's proposals for a process which involves more direct consultation with the ILO's constituents over plans for future standard setting are a positive step in this direction.

In the Annex to his Report, the Director-General also puts forward detailed options on changes to the technical procedures for forming new Conventions, and these could be taken forward with immediate positive effect as part of the drive for modernization and reform.

All of this gives the ILO a full and demanding programme of work and, to conclude as I began, we all know that we shall soon be held to account at the WTO for action to strengthen the promotion and application of international labour standards. Our debate here is an essential step forward and I therefore propose that the Director-General should present the outcome of this debate to the Director-General of the WTO as firm evidence that we have taken an important step from commitment to action towards bringing new hope for a new age.

Mr. BRETT *(Workers' delegate, United Kingdom)* — It has become something of a ritual that the United Kingdom Workers' delegate speaks immediately after the United Kingdom Minister attending the Conference. For some years, it has provided an opportunity for me to distance the workers of Great Britain from the statements of my Government.

It is therefore with considerable pleasure that I can abandon that position and congratulate the previous speaker, my Minister, on an excellent address, that has the wholehearted support of 7 million members of the TUC who will offer to him their support.

Of particular note is the commitment of the United Kingdom Government to restore its reputation in this house and to fulfil its obligation to the ILO, and I particularly thank the Minister for his statement on the position at GCHQ and for fulfilling a commitment given by his party at the time of the ban in 1984, when they stood with the trade union movement through 13 dark years. We are indeed grateful for the speed that they have shown in putting right the injustice done to our members in 1984.

I also agree with the Minister's comments on the Director-General's Report. We too believe that action is required in the ILO to live up to the commitments made in Singapore to the promotion of core labour standards. We fear, however, that some of the honeyed words of praise for the ILO spoken at the WTO meeting were themselves more about avoiding the issue of core standards being on the WTO agenda than they were about strengthening those standards at the ILO. I trust my fear is groundless or that the vast majority of governments will join with the Workers' group in its endeavour in the Governing Body to strengthen the supervisory mechanisms of the ILO in respect of the core labour standards. If this can be better achieved by the adoption of a binding declaration, then it is a concept that we will be pleased to embrace. The core labour standards are the norms of a civilized society and it should be an obligation placed upon all member States by the membership of this Organization.

We also need to address the activities of the international actors in this rapidly globalizing world in which we live and in that we need to strengthen the ILO's work in respect of the multinational enterprises, and to find new ways of promoting the application of the Tripartite Declaration on Multinational Enterprises and Social Policy.

The initiative on social labelling is an important one. Social labelling and codes of conduct are growing in number and importance, attracting the interest and support of trade unions, employers and governments alike, as well as, importantly, wider public opinion.

In our view, the ILO should be taking a leading role in this area. The debate on the ILO's role, its scope for action, monitoring and inspection mechanisms will all attract some opposition but the consumer response in the free exercise of individual consumer choice based on authoritative and objective information is a powerful weapon for good, and such a preference cannot be seen as an act of protectionism but one of social conscience.

It gives me pleasure to commend the Director-General's Report in this small speech. All the more so that I do it following the contributions of a British minister reflecting the values that the ILO has stood for, for over three-quarters of a century, and I have to say, in stark contrast to the message brought by previous Conservative ministers over too many years.

Mr. SHERIFI *(Minister of Labour and Social Affairs, Albania)* — I would like first to convey to you my appreciation for this very important session which deals with problems of great importance for all countries throughout the world. Being a Minister for Labour and Social Affairs of the Government of National Reconciliation of Albania, created some months ago owing to the very specific situation in my country, I would mainly focus my speech on the description of this situation.

Albanian society is living through the deepest crisis in its history, the crisis of identity which is a political, institutional, economic, social, moral and spiritual crisis. On 29 June 1997, early parliamentary elections will be held in my country — a day which will mark the starting point of the revival of Albania. The Albanian reality should be treated the way it really is, without adding or omitting elements subjectively. There have been paradoxes in the development of the Albanian society. In Albania within a short period of time a stratum of millionaires has been created, but on the other side poverty is in the process of rapid increase. We have very sharp social problems. We proclaim freedom of trade unionism at a time when there is a tendency to manipulate it. There are trade unions which praise the Government for the success of the reform but there are others which protest against low standards of their well-being. The labour legislation in Albania has been prepared and it is an advanced one, but it is not properly implemented. The rate of unemployment is higher than the 13 per cent given in the official statistics.

Albania is a small country with about 3 million inhabitants, one-fifth of whom have emigrated to other countries, especially Greece and Italy, but no agreement on seasonal employment has been signed so far.

In 1932 Albania ratified the Convention on night work of women, concerning the employment of women during the night, at a time when even day work for women was scarce in Albania. But we have not yet ratified the Conventions on employment policy, on social policy or social security, which are issues of the highest importance. These may seem to be paradoxes but, as Professor Glenn Tinder of the United States observed, sometimes paradoxes may be considered as sources of development.

What is the situation in Albania concerning the issues this Conference is interested in? In Albania approximately 50,000 enterprises have been created. Some of the characteristics of this sector are that 60 per cent of enterprises were created during the period 1993-94, 65 per cent of the enterprises belong to trade and service sectors, 30 per cent of the enterprises are closed, out of which 80 per cent have closed for good. It seems that many of them have been created artificially to obtain credits which have been used later on to build houses, or to invest in pyramid investment schemes.

Only 10 per cent of the enterprises own foreign capital, 90 per cent of which is under 30 per cent of the total value. About 15 per cent of the enterprises have been founded by women. Seventy-five per cent of the owners of enterprises have not graduated from university, but only completed secondary education. About 116,000 persons are employed in the privately owned non-agricultural sector, out of which 45 per cent are self-employed. The official statistics on employment in the countryside quote a figure of 750,000 people. Consequently the number of long-term unemployed people is increasing — 50 per cent of the long-term unemployed have secondary and university education, and 58 per cent are people under 35 years of age. In the cities 92 per cent of the unemployed receive benefits, whereas in the countryside, where each individual owning a plot of land is considered as employed, the beneficiaries number only 8 per cent, regardless of the fact that their plots of land are insufficient to ensure their well-being.

In Albania the National Labour Council has been established. The first efforts are being made to create the culture of compromise among the parties in order to achieve social peace, so indispensable for the moment. Importance is paid to contractual relations and the binding nature of collective labour contracts. Until 1994 there were 1,211 binding collective labour contracts. In 1995 there were 1,884 labour contracts of this type, covering 70,000 workers, and in 1996 there were 3,430 binding labour contracts concerning 130,000 workers. The employers have hesitated in negotiating with the workers on this type of contract.

Albania, instead of being based on assistance, should be transformed into a social State. To this aim, it deserves support concerning the establishment of democratic institutions of a legal state; the assurance of credits with facilitating conditions to encourage the honest small and medium-sized enterprises; the signing of agreements on seasonal employment, particularly with the neighbouring countries, Greece and Italy; the creation of labour markets through vocational training; and the voluntary return of emigrants who may start their own business activity in Albania by receiving credits.

Original Spanish: Mr. ESPAÑA SMITH *(Minister of Labour, Bolivia)* — The delegation of Bolivia would at the outset like most warmly to congratulate the President on her unanimous election and to wish her every possible success in the Chair. We would also like to congratulate the Director-General for the admirable work contained in the Report, and for the recommendations on ILO standard-setting activities in the era of globalization.

As member countries of this Organization, we have resolved to uphold the core Conventions of the ILO and we recognize that the ILO is the body empowered to establish standards on the fundamental rights of workers, employers and governments as representing society as a whole.

We are also committed, indeed duty-bound, to lead our nations in the search for all forms of social progress, and that is why we are meeting, to seek the machinery that will enable us to energize our work, to ensure that economic globalization will not create a new breach that will separate forthcoming generations even further. Rather, it should lead to tangible and genuine social progress for all men and women.

To that end, international organizations such as the ILO must urge the most developed countries and the ones that stand to benefit most from this new model of relations to adopt the principles of equity and justice in the redistribution of surplus resources more convincingly than ever before.

Technological transfer incentives for formal education and vocational training leading to promotion, fair and non-discriminatory pay for women, protection of children, job creation in countries where there is much unemployment or underemployment, the conversion of the external debt into investment, education, vocational training and the establishment of non-adversarial relations between the social partners — in short, the establishment of a regime that guarantees social peace are all matters that merit very special attention, not only at meetings such as this, but also in all fora that deal with social and economic matters. We agree with the Director-General that "social progress is no longer only a matter for States". It is a crucial problem for all the social partners throughout the world.

Product quality implies criteria that are not related solely to the intrinsic value of the product, such as market competitiveness and the social criteria that apply to the manufacturing of that product. These elements have led certain transnational enterprises, and some governments, to think in terms of establishing social certificates or labels that will guarantee that these parameters have been met in production. These certificates, based on market demand, sometimes use methods that are inappropriate and far from transparent and should be regulated not by a multinational body, but in each of our countries, in keeping with general and clear standards that will guarantee that the production of all goods and services is carried out in keeping with the requisites of justice and equity.

The major upheavals caused by globalization and its economic consequences have caused obvious social problems and a solution to them is urgently needed, as the Director-General has pointed out. The protection of workers, maintaining jobs, ensuring sustained growth and better and fairer distribution of surpluses are now issues of such magnitude that solving them is no longer a matter of national policy. It is a problem facing all mankind.

Mr. TAN *(Workers' delegate, Philippines)* — Among the rational thinkers of our times, there can no longer be any doubt as to the role played by standard setting on a global scale in the scheme of human affairs. Realization has broadened that standards cannot and must not be different, regardless of the colour of one's skin, creed, political beliefs, station in life or accident of birth.

We are thus penetrating even deeper into a still uncharted era in world affairs to determine globally the course of human events. The setting of international standards is one such step against which henceforth every national endeavour will be assessed.

The Report of the Director-General succinctly summarizes our concern when he asserts that globalization cannot be left to its own devices. Economic progress must be accompanied by social development.

First, and on a more substantive note, we pose a challenge to the ILO to ensure more definitive actions, concrete measures, and general universality in the application of its fundamental standards. The recognition and respect for the fundamental rights of workers, enshrined in the ILO Conventions, by all of the member States and enterprises, should be further enhanced and strengthened by adopting a more appropriate and effective mechanism of application and implementation of standards, including the establishment of a regular system of supervision and processing of complaints.

On a more urgent note, we join the unanimous voice of the workers upholding the relevance of the standard-setting mechanism of the ILO, particularly in providing protection of workers in a changing and globalizing work environment. We further support the recommendation to develop this key function of the ILO into a more effective and efficient mechanism through improvements in the selection and preparation of issues for discussion in annual Conferences.

In the recent past we have pinned our hopes on the size of enterprises to generate employment that will improve the opportunities of all to better their lives. Now we want to look at how to stimulate job creation also in small and medium-sized enterprises. It is a fact that large enterprises are limited in their ability to generate employment. On the other hand, many studies would tend to show that, through subcontracting, small and medium-sized enterprises fill the crevices of backward linkages in industry. In this manner more jobs are created by them directly or indirectly.

But subcontracting would tend to expand the nefarious practice of involuntary contract labour. However hazy and problematic an international definition of contract labour has become, the stark reality of often extreme exploitation of labour remains, wherever in the globe this is practised.

Often, we hear that radical changes in employment arrangements are necessary in a world shrinking into a global village. Before the altars of global competition many labour standards, heretofore held sacred, are fast eroding and being made more flexible. But for the same rationale of globalization, so must international labour standards be drawn appropriately.

It used to be the case that international Conventions with Recommendations would trigger the panic bells of many governments and almost all employers. Nowadays, among our more enlightened and forward-looking partners in the shaping of global social policy, the importance of international labour standards has been accepted; perhaps because it appears to be the only means left to temper the rapacity that unrestrained global competition would foist on the human race on this all too fragile and as yet only planet where we all live.

For those who think this way, with them we wish to cooperate and forge ahead in creating the exciting possibilities of the global village. For those who think otherwise, let them remain in their tribal prisons and be content with being left far behind.

Mr. MUHAMMAD MUMUNI *(Minister of Employment and Social Welfare, Ghana)* — It is a great privilege for me to address this august body and I would like to take this opportunity to convey to the President, on behalf of my delegation and on my own behalf, friendly greetings from the Government and people of Ghana on the occasion of the 85th Session of the International Labour Conference.

May I join the speaker before me in expressing my sincere congratulations to the President and the Officers on their election to preside over the deliberations of this session.

The theme of this 85th Session, namely, *The ILO, standard setting and globalization*, is very appropriate as it seeks to address one of the most serious concerns of working people throughout the world. The world is rapidly moving towards increased economic liberalization, and with it increased competitiveness and productivity. In spite of its apparent benefits to world trade, this phenomenon nevertheless poses a great threat to social progress and the rights of workers.

The ILO is therefore faced with a greater challenge now than ever before in ensuring that the process of globalization does not result in the marginalization of the working people and the curtailment of their benefits and rights, nor the fostering of inequalities between peoples and countries.

It is the view of my delegation that the need for standards and the link between standard setting, corporate growth and performance should be appreciated and put in the right perspective. Indeed, if standard setting and compliance were rightly understood as instruments for promoting corporate excellence and the socio-economic development of nations, the need for maintaining the highest standards of labour would become a cherished responsibility for nations and corporate bodies alike.

In Ghana a number of initiatives involving wide consultation with all tripartite partners have recently been taken to ensure that some of the many difficulties that have afflicted labour are addressed systematically. The momentum of this process would be maintained until a reasonable degree of consistency and fairness is achieved.

As part of this process, the Government commissioned an independent study into the distortions in the public sector salary structure as well as the rather wide disparities between the public sector and the private sector. The aim has been to identify the specific distortions in order to take the necessary steps to remove the growing inequality between the private and public sector and set the basis for a sustainable medium- and long-term incomes policy for Ghana.

Another area of concern to us is the integration of the functions of labour and factory inspection, which, experience elsewhere in the world has confirmed, not only ensures the maximization of the use of scarce resources but also results in increased productivity and greater success with regard to standard setting. In this regard Ghana would welcome the assistance and support of the ILO.

My Ministry is furthermore actively engaged in collaboration with the Ministry of Environment and the Environmental Protection Agency to keep track of industries, mines, loggers, fishermen, farmers and hunters whose activities pollute and degrade the environment, to ensure that the environment is protected and sustained in the course of their economic activities.

Having said this, I would like to reiterate that economic progress, social justice and fundamental rights require that nations in primary commodity production receive fair prices for their products and acquire easy access to global markets, if the process of globalization is to have any meaning for the vast majority of working people in the developing world.

In conclusion, may I observe that the challenge for the further development of standards in relation to changes in the international environment needs to be conceived in terms of the degree to which standards ensure for all of us social justice and economic progress.

Mr. FALBR *(Workers' delegate, Czech Republic)* — I would like to start my short intervention by stating that the Czech Workers' delegation highly appreciates the Report of the Director-General submitted for this year's debate and considers it of particular importance for the future development of the Organization. We agree with the Director-General that the current programme of globalization offers at the same time new opportunities for strengthening and improving ILO activities, especially the strengthening of standard-setting and supervisory mechanisms. There is no doubt that the globalization and liberalization of world trade jeopardizes the basic workers' and trade union rights. So it is the ILO which is expected to use its full mandate to play a decisive role in the future promotion of the social dimension within the process of globalization and in the fair distribution of the benefits arising from the global economy.

We appreciate the efforts the ILO is making to ensure the universal ratification of the core Conventions. There is no doubt that these fundamental Conventions represent one of the most important instruments for the protection of the workers and human rights, and they should be fully implemented and observed.

In the region of Central and Eastern Europe and in the Czech Republic we see, as in many other countries of the world, a strong drive against the trade unions. The present Government of the Czech Republic has made many attempts to violate trade union rights, the last one being the proposal of a Bill on strikes which in fact made strikes impossible. It was only after our strong reaction that the proposal was withdrawn.

We also fully support the proposals of the Director-General's Report concerning the ILO social labelling. Although there are many doubts about how such a system will function, we are convinced that this idea should be further worked out within the ILO bodies and the governments should consider it very seriously. In this context I would like to stress the necessity of the future close cooperation between the ILO and the WTO. Within the framework of these relations, the ILO should also pay appropriate attention to the proposal of the social clause. Everybody knows that this idea was put aside during the Singapore summit, but it must not be forgotten.

The governments in Singapore committed themselves to promoting the application of the core ILO Conventions and we will be very glad if the governments can understand and take the social clause not as a means of protectionism but as another significant instrument for the promotion of social justice.

Finally, let me say one general remark concerning the region of Central and Eastern Europe. All our countries are passing through a very difficult period of transition and facing plenty of social and economic problems that have a negative impact on the workers' social and living conditions. Many economic policies have already failed. As you have certainly noticed, the famous neo-liberal model of the Czech Prime Minister Klaus has recently also failed. I remember the lessons he was giving to all Western countries — how to build capitalism. Now, at a recent meeting we heard Mr. Klaus advocating social dialogue. It always happens when things are normal, nobody listens when labour talks. When trouble starts then everybody wants to speak to the unions.

In conclusion we appreciate the assistance the ILO has been providing and is ready to provide in the future.

Original Spanish: Mr. ARENAS BOCANEGRA *(Minister of Labour and Social Affairs, Spain)* — I would like to begin, Madam, by congratulating you on your election to conduct the work of this Conference and for the great skill that you have demonstrated in so doing. I would like to express my full agreement with the contents of the Report by the Director-General to the effect that the Organization and its constituents are the ones which must take up the instruments and procedures that will respond to the needs of societies and models of economic activity that are completely different from what we have known hitherto.

I consequently support the proposal of the Director-General to revitalize the international labour standards procedure by publicly stating first that we are committed to the principles that are contained in the ILO's Constitution and in the Philadelphia Declaration. We are convinced that in those words there are obligations that pertain to all the member States. Second, we are also convinced that it is the duty of the ILO to set up the right multilateral legal framework that will effectively guarantee that globalization and the liberalization of international trade will always go hand in hand with social progress and improved living and working conditions. Third, we are also quite sure that it is necessary to have universal compliance with human rights in the workplace as enshrined in the ILO Conventions on freedom of association, collective bargaining, prohibition of forced labour, the absence of discrimination and the requirement for a minimum working age. Furthermore, we are convinced of the need for the ILO to step up the world campaign to achieve greater ratification of the Conventions by those States that have not yet done so.

I wish to focus on the elaboration and discussion of a draft solemn declaration that, rather like the Philadelphia Declaration, will serve to define the duties of the member States regarding their basic social rights. I would like also to express my support, in the name of the Spanish Government, for the work that is being done and measures proposed by the Director-General to reinforce the respect for basic workers' rights at the place of work through the establishment of periodic reports on the degree to which these standards are being met by the member States. This, along with tripartite discussion, makes it possible for public opinion to assess the genuine efforts undertaken by each country to translate economic development emerging from the globalization and liberalization of trade into real social progress.

Spain supports the ILO's standard-setting activities, as shown by the fact that our country continues to be the member State with the highest number of Conventions ratified, 126 in fact, subsequent to the most recent ratification of the Safety and Health in Mines Convention, 1995 (No. 176). Furthermore, in order to further demonstrate Spain's readiness to cooperate with the Organization, I will refer to Spain's efforts in the last 12 months in applying many of the principles on which the ILO's life is based.

Two of the core Conventions, Nos. 87 and 98, are at the root of social dialogue and the participation of the social partners in the establishment of the right conditions for good labour relations. The ratification 20 years ago by Spain of these two Conventions was celebrated this February by a visit from the Director-General to Spain. The Government of Spain wishes to help the recovery of social dialogue which had deteriorated, and I think we can say that dialogue among the social partners has not only improved — it has in fact become very strong, sometimes tripartite, sometimes bipartite — but the outcome has been a series of agreements on some of the most crucial aspects of labour relations, employment and social protection within the framework of ever greater trade liberalization and economic globalization. This has promoted first and foremost competitiveness, but without detracting from solidarity. In less than a year, we have managed to achieve extra-judicial solution of labour disputes, with regard to vocational training, occupational safety and health, consolidation of social security and employment.

The most representative trade union organizations — the UGT and Comisiones Obreras — and the employers' organization (CEOE) and the small and medium-sized enterprise representatives have all reached an agreement in Spain which demonstrates its high level of responsibility, for it makes it possible to generate more jobs and ensure a future that will be marked by the search for dynamic and stable employment rather than temporary or precarious jobs.

I will close by saying that this very significant experience we have had in the field of labour relations in Spain, which is now beginning to bear fruit and is exemplified by political agreement and a process of economic recovery, does in fact confirm what was said by the Director-General in his Report, with regard to the need for institutional support so as to achieve the right kind of balance between competitiveness on the one hand and solidarity on the other.

I have to close these remarks and I wish in so doing to support all the proposals made in the Director-General's Report and to show that, as always, Spain is ready to cooperate in the organizational and technical fields in the ILO's programmes. As I have said many times, we are on the eve of the twenty-first century and our societies cannot work if they are not competitive, but on the other hand they will not be desirable if they show no solidarity. Therefore, the challenge for the new century is to combine competitiveness and solidarity. Spain is and will remain determined to achieve this.

Original Arabic: Mr. MONGY *(Workers' adviser, Egypt)* — On behalf of the workers of Egypt and on my own behalf, I would like to congratulate the President and the Vice-Presidents on their election, while expressing the hope that this session will move us closer to making the principles and noble objectives of the ILO into a reality.

For Egyptian workers, our participation in the Conference comes at a special time, as it follows democratic and free elections which were held last year and which set up new union structures, with posts filled for a five-year period.

The structural adjustment programmes and policies and the privatization currently under way in Egypt have for some years now placed a heavy burden and new responsibilities on the trade union movement in our country. We are facing transformations which are inseparable from the changes on the international scene. The understanding and cooperation of all interested parties is required if we are to strike a balance between the higher interests of society and those of the workers who, need I remind you, represent the majority of the population.

The Director-General's Report, *The ILO, standard setting and globalization*, is very timely, especially as international labour standards have become very important, and it is important to promote them at the international level. They must be universally recognized. These standards were referred to at the Copenhagen Summit, and they must be taken into consideration at the highest decision-making levels. Indeed, they must be reflected in social and economic reality. In this context we would like to express our satisfaction with the Ministerial Declaration issued by the World Trade Organization in Singapore at the end of last year, which acknowledged that the ILO is the competent body to set international labour standards. For us, the workers of Egypt, and I think also for the workers of many other developing countries, this is important because it puts paid to attempts to link international labour standards to trade. We support most of the proposals made by the Director-General to strengthen the supervisory machinery for international labour standards. But we would like to express our reservations as regards the supervisory system. There has been a proposal for an inspection system, as part of a voluntary international labour Convention, which would make it possible for each State to freely decide whether all the products manufactured in its territory would be eligible for the global social label. This proposal could be exploited by some to make free trade linked to the standards. This we cannot accept — even if it is voluntary. We are afraid that the ILO might be pushed into a field which is not its own, and that its machinery could be improperly used to marginalize the developing countries and to keep them from benefiting from the fruits of globalization, leaving them subjected to unemployment and poverty.

We would like to express our support for any measure that strengthens and maintains the role of the ILO in its standard setting activities. We would like the ILO to continue to work for the effective application of international Conventions by consolidating the principle of tripartism in law and in practice at the international, national and regional levels. The new needs and rapid changes in today's world must be taken into consideration when we select subjects for new standards. All forms of technical assistance must be provided to the member States which face problems in ratifying and implementing the international labour Conventions, as especially the core Conventions.

We would like to pay tribute to the efforts made by the Director-General, to prepare the Appendix to his

Report devoted to the situation of Palestinian workers in the occupied Arab territories. We regret that our hopes and the hopes of pacifists all over the world are not always taken into consideration. The situation has been constantly deteriorating since May 1996. The International Labour Conference — which reflects the conscience of the world because of its tripartite composition — must express its support and continued solidarity with the Arab workers in Palestine and in the other occupied Arab territories, where men and women suffer from oppression, unemployment and poverty, so that the occupation of Palestine, the Golan Heights and southern Lebanon is brought to an end so that a just and comprehensive peace can be established, and so that the region can concentrate its energies and resources on improving all its peoples' living and working conditions.

In the same context, we appeal for solidarity and support with the peoples and workers of Libya and Iraq, with a view to lifting the embargoes imposed on them, and which not only cause them suffering but also negatively affect the lives of millions of people in neighbouring countries and in countries farther afield.

Mr. LATIEF *(Minister of Manpower, Indonesia)* — The topic which we are preparing to discuss at this session of the Conference is of the greatest importance since it has a crucial bearing on the lives of so many people. Indeed, we are gathered here to represent people from independent countries which are slaving and struggling to improve the quality of life and welfare of all their peoples as we ourselves are doing for the workers in our own country.

As a developing country we do not have either the potential or the access to determine market prices whether for the export or the import of goods as we are simply the price-takers. We therefore have to pay high prices for both capital goods and imported raw materials from the developed countries. The same goes for the price of our exports and we are thus forced to sell them at relatively low prices.

This certainly does not mean that we practice political dumping or that we use this strategy to promote our competitiveness. In this respect, developing and poor countries are not in a position to practice political dumping of this kind. Unfortunately, this reality is not spelt out in the Report of the ILO Director-General.

Furthermore, the same erroneous conclusions are implicit in the report of the Working Party on the Social Dimensions of the Liberalization of International Trade when it states that the developing countries have largely benefited from the gains created through international trade. This is simply based on false assumptions. Given the international trade mechanisms mentioned above, most of the gains derived from international trade are in fact enjoyed by the developed countries and we are of the mind that the ILO should conduct an in-depth study on this subject before the wrong conclusions are drawn at random. It should also be mentioned that Indonesia has substantially suffered from the activities of certain groups which have resorted to manipulating workers simply for their own political interests. The situation and cases have, as a result, had detrimental effects on our national economic development as well as on the workers. We should therefore distinguish between the true struggle of the workers to protect their interests and this gross manipulation of a certain group whose political aim is the exploitation of workers' interests. Companies, if not whole sectors of the economy, stand to suffer from this state of affairs as it disrupts the peace and harmony which should characterize labour relations.

As an ILO Member, Indonesia has put to good use the agreed ILO principles, either by directly ratifying several Conventions or indirectly adopting those principles through the creation of various legal instruments which incorporate them. None the less, it must be added that several ILO Conventions have now reached a state of irrelevance in regard to today's labour conditions. It is therefore very important that those Conventions be reviewed and revised, including the so-called core or fundamental labour standards, in order better to prepare the labour conditions of the twenty-first century.

Indonesia highly appreciates the ongoing efforts undertaken in the field of activities linked to standard setting. These guiding principles are basic guidelines intended to enable the States to take concrete measures aimed at materializing the noble aims of social justice, a mandate of the Constitution of the ILO. In this respect, I would like to reiterate the fact that the ILO is a voluntary association of governments that cannot impose the ratification of these standards and recommendations upon the member States. Such an attempt would be in total violation of the fundamental principle of international law, that is respect for state sovereignty.

My delegation can only endorse the efforts undertaken to have more ILO Conventions ratified by as many ILO member States as possible while at the same time assisting the member States to overcome the difficulties they may encounter in fulfilling this goal. Furthermore, the need for sanctions would be reduced as a result since the latter undoubtedly create a climate of tension which is detrimental to the workers. We also have to note, unfortunately, that some countries, especially developed ones, are applying double standards in this respect.

International trade and the application of labour standards are two different matters and are handled by two different institutions. Although they are related to one another, there are, nevertheless, cases when they should be kept separate. The WTO and other related institutions have a prime mandate to deal with international trade and evaluate the weaknesses of trade mechanisms. Indonesia is of the view that attempts made to link labour standards with the comparative advantages of the developing countries in free world trade are clearly in contradiction with the understanding and decisions agreed upon and contained in the WTO Singapore Ministerial Declaration.

Before concluding I would like to briefly address another subject. That is the plight of the Palestinian people who live in abject economic conditions as Israel continues to curtail their opportunities for a decent livelihood. Under various pretexts Israel is not only causing Palestinian unemployment to soar but is also depressing living standards, disrupting whatever limited commercial activity is still possible there and generally bringing the economy of the newly autonomous areas to the brink of collapse.

By way of conclusion, I would just like to invite us all to carry out and protect the noble interests of the ILO, free from the interference of certain groups.

Original Spanish: Mr. NAVARRO MOREIRA *(Minister of Labour, Nicaragua)* — May I offer the President my heartfelt congratulations and my very best wishes for success in her important task.

As was the case 13 years ago, the Director-General has submitted his Report on the standard-setting activities of the ILO and on this occasion he has set it within the context of globalization. Trade liberalization and the globalization of the economy have led to the need to revise and update the existing body of standards. They have further strengthened the meaning of the fundamental rights of workers and, for this reason, it is a great pleasure for me to attend and participate in the decision to amend the Constitution that will be adopted at this session of the Conference.

My Government endorses the activities to promote the essential conditions for social progress which should draw on the principles enshrined in the ILO Constitution and the Declaration of Philadelphia. We support the universal recognition of fundamental rights, in particular the rights of freedom of association, collective bargaining, the ban on forced labour, including child labour, equality of treatment and non-discrimination. We are well aware that social progress is a task that does not pertain exclusively to governments; it is also up to manufacturing and marketing enterprises and consumers to play their part. There should therefore be tripartite consultation to correctly allocate the fruits and benefits of globalization so that it can improve the various sectors of society in our respective countries.

We support the Director-General's proposal to prepare a periodic report on global social progress, followed by a tripartite debate. We concur wholeheartedly with what has been presented in the second part of the Director-General's Report, endorsing the effectiveness of fashioning standards to be enacted through international law. We endorse and support all efforts to opt for a better method of selection and evaluation especially to ensure that the instruments emanating from this session of the Conference are given the status they deserve.

Let me state once again that Nicaragua respects, and will continue to respect, the principles of the ILO Constitution and the Declaration of Philadelphia in our endeavours to promote peace and social justice. Some of the instruments enshrining these principles and which are to be adopted by the International Labour Conference, may need to be reworked, taking into account the advances made in trade liberalization and the globalization of the economy, so that countries like my own can draw full advantage from their provisions.

In conclusion, I would like to share with you the greetings of the people of Nicaragua, and express our greetings to all the participants at this 85th Session of the International Labour Conference. Once again, let me state that we intend to strive wholeheartedly to work for a more worthy, democratic, peaceful and free world.

Mr. ARUNACHALAM *(Union Labour Minister, India)* — Let me first congratulate Mrs. Keltošová on her election as the President of the Conference. I would also like to thank the Director-General of the ILO for submitting his Report, *The ILO, standard setting and globalization*.

The purpose of economic development is to promote social progress consistent with human dignity and social justice. The ILO should promote labour standards in accordance with the Constitution and regard them as benchmarks for development, fully recognizing the difficulties in their application and implementation for developing countries, as progress in this field will relieve poverty, unemployment and deprivation.

We are a constitutional and functional democracy fully committed to economic development, social progress, freedom of association and social justice. We are also fully committed to the principles enshrined in the ILO Constitution and the Declaration of Philadelphia. We are actively participating in the process of adoption of ILO Conventions and Recommendations, and have so far ratified as many as 37 ILO Conventions. I am happy to inform the Conference that we are in the process of ratifying some more ILO Conventions.

My Government supports the ILO's role in promoting the ratification and implementation of the fundamental Conventions. The principles enshrined in ILO Conventions, such as freedom of association, collective bargaining, non-discrimination and freedom from any form of bondage or exploitation, are also part of our Constitution, and are enforceable through our independent judiciary. Three of the fundamental Conventions, that is Convention No. 39, Convention No. 100 and Convention No. 111, have already been ratified by my country, and we are in the process of ratifying the fourth one, Convention No. 105. The principles of Conventions Nos. 87 and 98 are applicable to all industrial workers in India under national laws and regulations. We face some technical difficulties in ratifying these Conventions because of the special position accorded to civil servants who none the less enjoy constitutional safeguards and have access to special grievance and redressal mechanisms.

We believe that Convention No. 29 and Convention No. 138 are insufficient as regards the problems of child labour. Therefore we will invite you to adopt the new instrument to prohibit the most intolerable and exploitive forms of child labour under the double discussion procedure to take place during 1998-99, which subscribes to the view that ILO Conventions should be implemented effectively by utilizing the ILO's existing procedures. The most effective means of implementation of labour standards is to promote the universal ratification of core labour Conventions. The proposal to adopt the declaration on core standards and to extend the existing special procedure applicable to freedom of association will undermine the voluntary character of ratification of ILO Conventions. If there are inadequacies in the existing supervisory procedures, we should take recourse to the ILO Constitution for finding effective remedies.

We appreciate the need to initiate action at the national and international levels to address concerns relating to social progress such as environmental issues, occupational health and safety, etc. However, we have noticed with concern, an increasing tendency amongst the various international organizations under the United Nations system to assume roles for which they have no mandate and to encroach upon areas where others have been entrusted with the task. These tendencies lead to an overlapping of functions and responsibilities, thus creating an unnecessary burden on national governments in the form of reporting obligations on the same subject. Matters relating to international labour standards should be dealt with exclusively in the ILO.

In the name of achieving social progress, we see the ILO moving into areas which are beyond its mandate. We cannot therefore accept the proposal for overall social labels and mechanisms of international action through the ILO. We believe that the alternative way forward must be found to promote the ILO's work related to labour standards with the objective of securing the dignity and welfare of workers in accordance with the objectives of the ILO Constitution and the Declaration of Philadelphia. The ILO must pursue labour standards in their own right as an integral part of the process of societies linking them to the process of development in assisting the attainment of higher standards of liberal trade to which my country and my Government are fully committed. The ILO must focus on all three areas of its work. Namely, standard setting, technical cooperation and analysis of labour trends.

Mr. TREU *(Minister of Labour, Italy)* — I think we are all aware that we are discussing crucial issues at this Conference which have to do with how to manage the globalization of the economy and also the globalization of social standards and this implies also a reconsideration of the role of the ILO in this respect. We have discussed these issues in quite a few recent national and international meetings. We have indicated possible solutions but the theme remains controversial so I think we need more reflection.

A first point which I want to make is that the balance between economic and social progress is possible but it is difficult. It is difficult in developed countries. I think it is more difficult if we have an international scenario with great disparities in employment and living conditions. So if this is true, I think that major efforts must be made in order to link the issue of standards, even basic standards, to the promotion of growth and development. It is not enough in this area, less so than in any other, simply to say that legal standards are necessary. What is important is to remove the causes that hinder the improvement of labour standards and to create the conditions for general progress towards this end. Therefore I think the initiatives which go in this direction — technical assistance cooperation, improving working and living conditions throughout the world — must have priority.

A second point is that we need to take a gradual and proactive approach, more than a deterministic and normative outlook. The gradual aspect does not mean postponing the decision indefinitely, it means linking the implementation of standards to the level of social and economic development of different countries. I think that this gradual and proactive approach is important if we want to improve mutual understanding and create a climate of confidence. Because only mutual confidence can pave the way for the acceptance of more binding commitments towards the targets which are indicated in the Report of the Director-General.

Time has not passed in vain however. I think it is important to acknowledge that consensus has grown on quite a few important points. The need to improve the standard-setting procedures, the need to widen the coverage and the acceptance of existing ILO Conventions and also the importance of focusing efforts on basic principles. Those, as the Director-General says, which have more added value.

Furthermore, it is important that here too, even though we have heard a variety of statements, the role of the ILO has been largely acknowledged. The ILO has received a stronger mandate in this field and the Italian Government believes that the ILO has the legitimacy, the experience and the strength to fully implement its traditional role with the new tasks which come from the new world. The Report of the Director-General has indicated some proposals which we consider appropriate, realistic and useful. He particularly supports the idea of a declaration, a declaration which will make explicit some basic principles and fundamental standards which are implicit in the ILO Constitution and therefore should be a target respected by all sectors and all markets. A more proactive role for the ILO in setting and promoting these principles is important in order also to reduce the risk of unilateral and protectionistic initiatives. Protectionist unilateral moves may give to individual countries some short-lived advantages but be detrimental to long-term common development by undermining this consensual approach which is essential for the implementation of common objectives.

Then, if we move from the principles to the ways and means to implement them, here we have even more controversial ground. The existing ILO supervisory system certainly must and can be improved, but I think it is advisable to discuss, to exchange views, in order to detect those instruments which can be reasonably accepted and which can be seen by all countries as objectives, because of course there are different perspectives here. And I think that the monitoring and supervisory action of the ILO must also be geared more to the promotion of good practices than to the imposition and ratification of legal regulations. The Report on social progress in the world goes in this direction.

Finally, let me underline that the Director-General's Report constitutes a realistic basis for discussion and for action. In the years ahead the ILO will be confronted with major challenges which will certainly increase its responsibility. Market globalization is a great opportunity for economic growth. We would like the opportunities to be shared equally among the various countries, but this will not happen automatically. Global markets, in the same way or in fact more so than local markets, need to be guided and accompanied by both political and regulatory action. I stress the importance of both. The challenge is not only to improve regulations but to promote better policies aimed at sustaining growth and social welfare. The ILO is in a key position to play these roles due to the tradition and experience in trilateral consensus building. The ILO perspective is particularly appropriate to see together the needs of the markets and the values of the people. That is the importance of social cohesion and welfare. The Italian Government is committed to support this role of the ILO present and future and all the initiatives that starting from the outcome of this Conference we contribute to pursue a better balance between economic and social progress.

Original German: Mr. KISS *(Minister of Labour, Hungary)* — I would like to pass on to the Director-General the appreciation of the Hungarian Government for the activities of the International Labour Organization.

The ILO, standard setting and globalization, the Report of the Director-General, discusses most relevant issues. We have been analysing the impacts of globalization for years, both here at the ILO and other international fora. One of our main conclusions so far is that these impacts can vary to a large extent. However, we would all like them to be equally favourable, bringing about economic prosperity and social progress.

Responsibility for that rests first of all with governments. However, our current challenge to find a solution to the most crucial dilemma of balancing social equity against market efficiency is more difficult than ever. We can only hope to reach an effective solution together, on the basis of social consensus, through dialogue with the social partners.

In full awareness of this shared responsibility, our Government, together with the social partners, drew up a work programme to strengthen the institutions of social dialogue. Our major efforts are aimed at promoting collective agreements, accelerating the settlement of labour disputes, strengthening labour inspection and further developing tripartite consultation.

We count on the ILO's professional assistance with respect to all of these activities. It is my conviction that we are not the only ones to ask for this in the Central and Eastern European region.

The ILO Budapest Office has taken an active part in the elaboration of our work programme. We would like to rely upon their invaluable professional assistance in the future, and I would also like to thank them for their efforts so far here at this forum.

I fully agree with the statement of the Director-General that joint action to influence the impact of globalization should be taken at the international level. The most suitable forum for that is, beyond doubt, the ILO, as was reaffirmed by the Social Summit and more recently by the WTO Ministerial Conference. We place great hopes in the professional guidance of the ILO in the elaboration of the social dimension of globalization.

The Report of the Director-General is yet further proof that these expectations are well founded. In what follows, let me briefly comment on the main points of the Report.

The Hungarian Government gives its full support to the expansion of ratification of the ILO Conventions embodying fundamental human rights. We have already ratified these core Conventions, with one exception. To demonstrate our commitment to the objectives of the ILO, we intend to ratify the Minimum Age Convention, 1973 (No. 138). Let me note here that our current legislation actually exceeds the requirements of the Convention on this issue in providing for a minimum age that is one year higher.

We also support the idea of a solemn declaration aimed at universal respect for fundamental workers' rights.

I welcome the innovative idea of qualifying the products of various countries with what has been described as an "overall social label". Although its implementation raises many theoretical and practical problems, the Governing Body will be the appropriate forum to settle these satisfactorily.

I also agree with the proposals of the Director-General urging a more targeted choice of subjects for a more effective implementation of Conventions, more thorough preparation and regular evaluation.

Overall, I believe that the proposals of the Report and those made by the Conference will together mark out the path to follow in order to achieve progress towards harmonizing equity and efficiency, and therefore ensuring that everyone benefits from the positive results of globalization.

It is in this spirit that I wish the Conference success in its further work.

Original French: Ms. SMET *(Minister of Employment and Labour, Belgium)* — The Report of the Director-General and also the subjects debated in the technical committees help us to attack several specific questions resulting from globalization. That subject gained greater credibility at the ministerial meeting of the WTO held last December at the same time that the competence of the ILO was confirmed for the definition and implementation of fundamental labour standards.

We should not undergo globalization. It cannot be used as a justification for policies or practices which are harmful to social progress. Nevertheless it does lead States and enterprises to adapt to the harsh realities of international competition. Workers must better understand this context and take account of it in their attitudes in order to avoid suffering dramatically from it. In bringing together governments, employers' organizations and workers' organizations, the ILO has been called upon to play a strategic role in managing the effects of globalization.

For this reason I appreciate the fact that the Director-General's Report has made a series of suggestions, intended on the one hand to strengthen and to concentrate the standard-setting system of its work, and also to bring together the various initiatives in order to develop social labels. The ILO and States should periodically re-evaluate its means of action if it wishes to continue to be convincing. For my part I should like the ILO to make increasingly effective the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. A context of restructuring and closure of enterprises has led me to call upon the Office to give an interpretation concerning the respect of local practices in employment policy.

Furthermore I should like to highlight the fact that more and more enterprises are aware of the responsibilities they shoulder in an increasingly global context. Initiatives are flourishing throughout the world to think about a new relationship between business and society. These initiatives should be expressly encouraged. The Enterprise Forum organized last November moves along these lines and I encourage the ILO to participate in this growing awareness.

Our primary task however is that of ensuring that our mission can be fulfilled in promoting the fundamental labour standards. I agree with the idea that membership of the ILO entails minimum obligations with regard to fundamental labour standards. I support the idea of a declaration in order to legitimate the supervision of fundamental labour standards which could cover all member States. Next year we should decide about the terms of strengthening the monitoring of those standards. The ratification of the most recent modern standards adopted is also an important sign of this trend. As far as I am concerned the ratification of Convention No. 171 on night work is highly significant in terms of employment policy, and also in terms of equality between men and women.

As to the other subjects of the Conference, I observe that they all contribute to redefining essential requirements for the legal and economic framework in which our enterprises must situate themselves.

Small and medium-sized enterprises, which create most of global employment, are worthy of particular attention. In certain Western countries they should benefit from programmes for reducing their administrative, fiscal and social burdens.

For these enterprises, economic subcontracting offers considerable opportunities which may be employment-generating. However, I am not unaware of the pressure that may be brought to bear upon workers who are asked to show more and more flexibility. In Belgium we are in favour of rules for governing such practices. Rules which are flexible but which nevertheless guarantee equality of treatment amongst workers, irrespective of the legal nature of their labour relation.

For a more effective management of the labour market we must also accept the idea that private enterprise will cooperate with the public sector. It is no longer the status of an enterprise that guarantees the best distribution of resources or efficiency. This is the merit of discussions on Convention No. 96, demonstrating that we have taken note of this trend.

In the very active sector of training and placement, at the end of proceedings we will have a modern standard which reconciles competition, cooperation and complementarity between the private and the public sector.

I am pleased to be able to come to the ILO because I am sure that the Organization, to which my country is most attached, retains its ability to call into question and to make proposals concerning the major issues in the world of work. This is indeed the case this year. I hope that our work will help us to find the appropriate responses.

Original French: Mr. CHOTARD *(Government delegate, France)* — Mrs. Martine Aubry, who is Minister of Employment and Solidarity, asked me to say to you how sorry she is not able to be here today.

You are well aware of how supportive she is of the ILO's ideals, of the values enshrined in this tripartite international Organization, and of the goals that it pursues, which are increasingly important at this time, as the economy becomes ever more international in nature.

Mrs. Aubry has thus asked me to take part in this discussion by presenting the position of the French Government regarding the Director-General's Report. But first, if I may, I would like to congratulate the President on her election to chair this prestigious meeting.

The main ambition of our Organization, ever since 1919, has been to establish a body of international labour legislation. Since then, however, the world has radically changed. Still, the need for universal rules is greater than ever before in our open and multipolar world, where values and points of reference can quickly become blurred.

Today once again we have to try to respond to the two pressing questions that have been put to our Organization ever since it came into existence:

— How, despite all of the obstacles, can international labour legislation be made as effective as possible?

— How can we build a foundation of fundamental human rights in the workplace that is genuinely universal?

The Director-General and the Office have prepared a report on this subject that is both coherent and imaginative.

France fully supports the ideas and proposals contained in this remarkable document.

I should like to draw attention to a few aspects of the two themes that I have just referred to.

I will look first at the need to revitalize the system of standards. This system is in a way a victim of its own success. Because of its large scope and its resulting complexity, an extra effort must be made to ensure that the system is coherent.

The Governing Body Tripartite Working Party on Policy regarding the Revision of Standards has already discussed certain aspects of this matter. A close review of each of the Conventions is under way at the moment. In my view, the very interesting work that has been done on this occasion should be published. Furthermore, I believe the Office should now begin to turn to governments to encourage them to denounce certain old Conventions while simultaneously ratifying the more recent ones that replace them.

In order to improve the preparation of new instruments, the French delegation strongly hopes that the Director-General will very soon follow up on the practical and innovative proposals that are contained in the annex to the Report.

Finally, for the more distant future, we strongly support the idea of preliminary discussions being held on what might be called the consolidation of the standards by major theme. The publication by the Office of the existing standards organized under the chapter headings should indeed serve as a precious indication as to how this can be done.

Secondly, I should like to turn to the most important question, fundamental workers' rights. I can only state once again the importance that my country attaches to the adoption of a solemn declaration at the next session of the Conference. This declaration should be the response of ILO member States to the appeals that were launched in Copenhagen and Singapore.

With this in mind, the Office's activities for more extensive ratification of international standards should continue. Perhaps one part of the Director-General's annual Report could systematically address the question of the fundamental standards that could be better understood thanks to the surveys conducted under article 19 of the Constitution. Here too, it is vital to have a real awareness of the complex reality in the social sphere in our world.

As for the question of social labelling as it is described in the Report, this has already given rise to considerable discussion and to some negative reactions. The fact is that throughout the world there is already a plethora of labels appearing, and we certainly cannot ignore this question. Let us therefore take it up in a calm tripartite dialogue, as our Organization is well equipped for such a discussion.

In conclusion, I would like to recall that we should bear in mind that behind our discussions on political and legal themes lies an extremely important reality, for our task is the improvement, throughout the world, of the daily lives of working men and women.

Original Turkish: Mr. ÇELIK *(Minister of Labour and Social Security, Turkey)* — Madam President, it gives me pleasure to address the Conference with you in the Chair. I wish to congratulate Madam Olga Keltošová, the Minister of Labour of the Slovak Republic, a country with which Turkey enjoys friendly relations, on her election as President of this august body.

I am confident that under her able leadership the work of the Conference will come to a successful conclusion. I wish also to extend my congratulations to the distinguished members of the Bureau. Moreover I wish to congratulate the distinguished Director-General, Mr. Michel Hansenne, for addressing in his annual Report a current important theme, globalization and the standard-setting role of the ILO. I believe that it will be useful to translate the outcome of our discussions on the valuable views and proposals contained in the Report into concrete actions. I hasten to add my conviction that this Conference will contribute to the establishment of social justice and social progress all over the world.

In the view of my Government all workers should benefit in an equitable manner from the increase in welfare resulting from liberalization in international trade, and globalization should be achieved in conjunction with social progress. Therefore measures to be taken by the ILO to that effect deserve our support.

Since its foundation the ILO has been successfully playing its role in standard setting and supervision with an understanding of democracy and participation and with the necessary structures in keeping with its fundamental objectives such as democracy, full employment, social justice and social peace.

The final Declaration of the World Summit for Social Development held in Copenhagen in 1995 emphasized that the ILO, as the most appropriate and the only competent body in the working life and social matters at the international level, should play a leading role in these matters. This view was once again reaffirmed in the Declaration adopted at the Ministerial Conference of the World Trade Organization held in Singapore in 1996.

At a time when the world is going through a rapid process of globalization, Turkey supports the Director-General's proposals calling for the adoption of an additional declaration that will become binding for all member States of the ILO and will place workers' fundamental human rights under more strict guarantees, irrespective of whether such Conventions are ratified by them or not. In the same vein, provided that they be implemented effectively, we find noteworthy the Director-General's proposals calling for the adoption of new Recommendations which would be supervised both by national and international tripartite structures. Thus the benefits of globalization could be streamlined towards the objectives of social progress.

The Director-General's proposals on social labelling and the social code, which we believe could be taken up at a later stage, deserve serious consideration. It will be most useful if these proposals are elaborated technically by the working group which has been continuing its work in the Governing Body on the social dimensions of international trade.

In addition to Conventions Nos. 87, 98, 100, 105 and 111 of the seven ILO core Conventions concerning workers' basic rights which Turkey has already ratified, Convention No. 29 on the abolition of forced labour and Convention No. 138 on the minimum age for admission to employment have been submitted to the Parliament for ratification. Moreover, my Ministry has already submitted Convention No. 159 on vocational rehabilitation and employment of the disabled for examination. Thus, protective provisions which already exist in Turkish legislation in these areas have been further strengthened by ratification of Conventions Nos. 29, 138 and 159.

Before concluding I would like to point to the problems faced by migrant workers which have reached serious dimensions at present. The problems encountered by migrant workers in the countries they live in, and at their place of work, stem from discriminatory and intolerant practices that in some cases have reached the level of xenophobia. We welcome the fact that such issues continue to be included in the ILO's focus of work. We hope that in order to find solutions to these problems the ILO will continue to pursue continued cooperation with countries receiving and sending migrant workers.

Mr. BRADFORD *(Minister of Labour, New Zealand)* — Madam President, my delegation congratulates you on your election and the conduct of this session. New Zealand supports the ideals and the objectives of the ILO and has done so since we became a founding Member in 1919. We willingly support the role of the ILO and the role it can play in improving the lot of working people of the world and the people who employ them. The real challenge is to ensure that the standards embodied in the Conventions, and the way they are applied, are relevant in today's contemporary world. For a number of reasons, New Zealand supports a fundamental reassessment of the ILO's labour standards, a reassessment of the ILO's standard-setting processes, a reassessment of the manner of surveillance of labour standards, and a reassessment of the ILO's budgetary and administrative structures. For a decade, New Zealand has been a consistent voice in support of such changes. For over six years now, New Zealand itself has implemented labour legislation which has always been consistent with the principles behind the ILO's Conventions. On a few occasions, we have not been able to satisfy the printed letter of one or two Conventions, most often those we have not ratified. But we simply deliver the principles of the ILO in a different way than ILO processes slavishly require.

For it to be relevant in today's world, where increasing diversity and changing economic systems are the norm, New Zealand strongly believes the ILO must adjust to the changing reality around it. ILO standards deserve constant review. Effectiveness and relevance are key tests to apply in this context. With this in mind, New Zealand strongly supports three complementary and fundamental initiatives. First, existing standards, not excluding the contents of the core human rights standards, must be reviewed against these key tests. We should not be bound to the past, nor complacent that small successes reached thus far are enough. Secondly, the bureaucratic proliferation of subject-matter on standards raises real questions about the appropriateness of this approach. Less prescriptive, more flexible standards may be a better way to promote the core principles of the ILO. We must avoid the "death by a thousand cuts" of bureaucratic intervention, telling Member countries not only what to do, but how to do it. The ILO needs to concentrate on measuring and promoting the outcomes of the principles making up the labour standards. Thirdly, we would support an initiative to improve ILO evaluation procedures. Has a particular standard really achieved what it set out to do? In other words, measure and evaluate outcomes against the ILO's principles rather than simply assess and criticize compliance with labour standards, some of which are of questionable moment in a modern world.

The Director-General's Report contains some helpful suggestions on the use of Recommendations as possibly a more flexible vehicle to obtain outcomes. But another suggestion, social labelling, is one New Zealand cannot support. Social progress can be made in conjunction only with economic growth. Restrictions on trade will rebound against the achievement of social progress, and unfortunately the social labelling proposal has the capacity to destroy the very objectives it wants to achieve. Coincidentally, it also raises questions of consistency with international trade obligations. The Director-General has also floated the idea of some form of statement of principles to strengthen the universal application of core worker rights. New Zealand is prepared to contribute to a process to consider the establishment of such an instrument, but we have some fundamental questions to pose. What objectives do member countries want to achieve? What alternative ways are there to achieve those objectives? Will the proposed solutions compromise the principles of voluntarism and flexibility in achieving those objectives? The core Conventions mentioned in the Director-General's Report will have to be fit for the challenges of globalization and the twenty-first century, not the wish for a past long gone. The challenge for the ILO is to cast aside the yoke of prescription in favour of a renewed commitment to achieving, in a flexible way, the outcomes intrinsic to the ILO's core principles.

Original Spanish: Mr. JIMENEZ AGUILAR *(Employers' adviser, Spain)* — Allow me to congratulate the President on her election to lead the deliberations of this assembly, and also to congratulate the Vice-Presidents.

I should like to commend the Director-General for including in his Report the question of standard-setting policy.

Thought must indeed be given to the future of international labour standards, and to the need to adapt them to the globalization of markets and the factors of production. ILO's priority should be to protect the fundamental rights of workers and employers. ILO standards should also be adapted to the needs of today's world for creating productive employment. We need a new standard-setting policy based on subsidiarity to strengthen the ILO's effectiveness in the field of fundamental rights, and to contribute to modernizing instruments so that they can be duly applied and not halt employment creation.

In this context, I should like to stress the following: on the one hand, there is a need to continue the programme of revising the Conventions in force, while bearing in mind the difficulties of ratification. On the other hand, we need to enhance the role of Recommendations as standard-setting instruments which are valuable in themselves and not only as a complement to the Conventions.

Along with the question of standard-setting policy I would also like to refer to the recent agreements reached in Spain within the framework of the social dialogue.

I wish to share with you how pleased we are with the signature of agreements by the social partners and also between social partners and the Government of Spain. Among those agreements I would like to mention the tripartite agreement on extra-judicial remedies to collective disputes, agreements on vocational training policy and continuous on-the-job training and the agreement on investment policy and agricultural employment. In addition, an intensive policy for coordination to prevent labour hazards has been discussed.

Lastly, on 28 April the employers' trade union organizations signed three important agreements on job stability, collective bargaining and coverage for certain breaches in standards in those sectors which currently lack adequate collective regulation.

The agreement with the most significant impact on society is the agreement on employment stability. This was negotiated and signed by trade union organizations and employers' organizations. It must be stressed, in this regard, that the Government was in favour of the proposed objective. It was able to remain on the sidelines without encroaching on the autonomy of the parties concerned and was involved in the ultimate success by transposing the agreements reached into legal texts which were later endorsed by Parliament. The Government has made a meaningful contribution to the momentum to bring about changes in standard setting through a series of measures relating to contracts of indeterminate duration.

In connection with these agreements, I should like to make several observations. First, the main achievement in this process has been social dialogue because the parties concerned were able to solve such sensitive issues as the causes for dismissal and amounts of compensation to be granted, and also labour contracts for both a specified period and of indeterminate duration.

Although employment is the outcome of many variables, including economic policy and an adequate framework of labour relations, I believe that, generally speaking, the agreements will have a positive effect in improving current labour market problems in Spain and will generate sufficient confidence between workers and employers in order for a contribution to be made to job creation.

In the field of collective bargaining, the trade union and employers' organizations have also agreed to work together over the next few years with the objective of creating a better coordinated system for collective bargaining. This would involve encouraging further thought on the purpose of such negotiations, improving the contents of collective bargaining and including criteria on the issues to be negotiated in each field and lastly regulating some substantive issues pertaining to labour relations for some sectors of activity where collective bargaining is not highly developed.

It is my express wish that in Spain we will achieve the objectives we have set ourselves with these agreements and, indeed, I am convinced that we will.

Ms. ANDERSEN *(Minister of Labour, Denmark)* — I would like to congratulate the President on her election to preside over this session of the International Labour Conference.

The Report of the Director-General to this session of the Conference states very clearly that the increased liberalization of world trade makes heavy demands on us all to ensure that similar progress takes place as regards *social* development. These two elements should walk hand in hand.

The ILO has a special commitment in connection with basic workers' rights. This was also clearly established at the Social Summit in Copenhagen and was later confirmed at the Ministerial Conference of the World Trade Organization in Singapore.

This year the Report goes a step further when it comes to ensuring basic workers' rights. In the ILO, as in other international organizations, ratification of Conventions is voluntary. However, this does not apply to the Conventions concerning freedom of association and the right to free collective bargaining. All Members of the ILO are bound by these two Conventions whether they have ratified them or not. I think it would be natural for member States also to be bound to observe all the fundamental workers' rights. In addition to these two Conventions, these are: equal remuneration, non-discrimination, prohibition of child labour and prohibition of forced labour. This could be done by adopting a declaration to supplement the Constitution of the ILO. I hope that such a declaration can be adopted at the Conference next year.

Another subject I would like to mention is the question of labelling. The consumer who wishes basic workers' rights to be observed will obtain more and more power. This is a trend that will continue. In order to avoid unjustified use of this power it is important that governments assume their responsibility. I find it difficult to see whether it will be possible to establish such a system for a whole country, but in any event the ILO can contribute to further deliberations on this issue.

One of the basic labour standards is the prohibition of child labour. In recent years the ILO has done good work in this field, especially through the International Programme on the Elimination of Child Labour (IPEC). I hope we can adopt a Convention on this subject in 1999. However, prohibition cannot stand alone; it must be supplemented by various forms of support programmes. Such programmes must be adapted to local conditions.

It is also important to move on and go ahead with the proposal to make more use of Recommendations.

I would like to state that we all support the Director-General in the implementation of his proposals. In particular, I find it important that the proposals be implemented within the existing framework of the ILO. We should not adopt new instruments.

Let me conclude with two issues which I have at heart: *employment* and *equality*. There are about 1 billion people in the world who are unemployed or underemployed. This is really our greatest challenge today. If we are to cope with this situation we must intensify our efforts to create jobs for these people.

Women are more seriously affected by unemployment than men. There are many reasons for this, for instance, poor education and training, traditional attitudes in families, in society and maybe even among the women themselves. We must continue our work to change this situation. As a follow-up to the Beijing Conference we should ensure that the equality perspective is integrated into all ILO programmes and projects in order to create equal opportunities for both men and women in connection with employment.

Mr. LEE *(Minister for Labour, Singapore)* — On behalf of the Singapore delegation, may I join our colleagues in congratulating the President on her election of the 85th Session of the International Labour Conference. I am confident that under her able leadership this Conference will come to a successful conclusion.

We are meeting today under a more favourable economic environment. The IMF has projected a 4.4 per cent growth for the world economy this year. Both advanced and developing countries are expected to register healthy growth.

This scenario is contingent on trade liberalization and economic integration worldwide. Goods and services must move more freely, trade must increase to stimulate economic expansion and job creation for the benefit of workers.

Trade liberalization was given a strong boost at the inaugural WTO Ministerial Conference held in my country in December last year. The Conference produced concrete results in key trade issues. The WTO member States agreed to promote trade liberalization, reject protectionism and establish a fair and more open rule-based international trading system. The Ministerial Conference also dealt with the issue of linking labour standards with trade. While renewing its commitment to the observance of internationally recognized core labour standards, the Conference however rejected the use of labour standards for protectionist purposes, and upheld the comparative advantage of low-wage developing countries.

We are therefore perplexed that against this backdrop of trade liberalization, the ILO Report entitled *The ILO, standard setting and globalization* has proposed a link between social progress and globalization resulting from trade liberalization. Under this proposal all member States will be required to comply with the seven core labour Conventions, regardless of whether they have ratified them. The ILO further proposes awarding global social labels to countries which show comprehensive respect for fundamental labour rights and principles.

If the measures proposed by the ILO Report were to be pursued, member States could be coerced into complying with the core labour Conventions. For some countries, given their stage of economic development, it may not be possible for them to do so and they would run the risk of trade discrimination. Global social labelling could also lead to indiscriminate consumer boycotts and trade sanctions which will contradict the effort to promote trade liberalization.

The resurfacing of the "social clause" has assumed that progress in the member States can be achieved through the adoption of labour standards. In reality, labour standards alone cannot create jobs or prosperity or enhance the well-being of people. Social progress and the elimination of poverty are the consequences of economic growth and not the direct result of acceptance of labour standards. These can be seen from the significant social progress achieved by the Asian NIEs and the emerging economies in many parts of the world as a result of vigorous economic growth. Conversely, the United States which has only acceded to one of the seven core labour Conventions cannot be said to be lacking in social progress.

History has also shown that social progress is a consequence of economic development and prosperity. Take for example the issue of child labour. Professor Gary S. Becker, the 1992 Nobel Laureate for Economic Sciences, has recently pointed out that "child labour did not decline to negligible levels in all parts of the West until the second half of this century. Although legislation, unions and other factors contributed to this decline, studies have indicated that greater prosperity was essential. It was general economic growth that raised the living standards of the family at the lower end of the ladder, so that they were able to forego their children's earnings".

While we agree that child labour is undesirable and should be eliminated, we do not believe that Conventions and penalties can achieve this objective. To stop child labour the ILO must help to promote an environment conducive to increased investment and trade so that economic growth will enable parents in developing countries to forego the meagre earnings of the children.

The Report's proposals are also not in line with the long-standing approach of the ILO on ratification of Conventions by member States. Since its inception the ILO has adopted the principle of voluntary ratification of Conventions by its members. Through the process of consultation and promotion, member States are encouraged to ratify relevant Conventions. This has helped the ILO to build consensus in the promotion of social justice and progress.

We are concerned that some proposals in the Director-General's Report are likely to cause conflict and division among member States. Proposals such as global social labelling could be abused for protectionist purposes and would adversely affect the promotion of freer trade and economic growth, resulting in further set-backs for the developing countries. We therefore urge the ILO to refrain from taking steps which could seriously undermine its effectiveness as an international tripartite body for the promotion of social progress.

In conclusion, Singapore would like to join other member States in urging the ILO not to pursue compulsory compliance with the core Conventions and global social labelling. Instead the ILO should continue to uphold the principles of voluntary ratification of labour standards. The ILO should assist member States in their efforts to achieve economic growth and create jobs. This approach will enable the ILO to achieve its primary objective of bringing about social progress and a better life for workers throughout the world.

Original German: Mr. NORDMANN *(Director, Federal Office for Industry, Arts and Crafts and Labour (OFIAMT), Switzerland)* — The first task of the Report of the Director-General is to encourage the ILO constituents to engage in discussion. The response in the media and the lively discussions in the corridors illustrate amply that the Report has fulfilled this function. I would therefore like to thank the Director-General for a Report which is extremely innovative and full of highly pragmatic ideas. The Report quite rightly points out that on the threshold to the next millennium the ILO and it finds itself in a unique position. The Copenhagen Social Summit and the Singapore Ministerial Conference have given it a clear mandate. Globalization and liberalization of trade should be accompanied by a social dimension and the latter should be defined and implemented by the International Labour Organization.

How to attain this goal? Switzerland suggests two stages of reforms. First of all the ILO should focus on its core activities. More and more States, including Switzerland, find it difficult to ratify Conventions that are too detailed. This is damaging to the ILO's credibility, which is the most important means it has of exerting pressure, its moral powers of persuasion. This development must be stopped, through a reorientation of our standard-setting activities. We urge quality instead of quantity, giving us less leading to more. In practical terms this means that existing Conventions have to be pruned back consistently and reviewed at regular intervals. Reforms in the work of the Committee on the Application of Standards are also needed, as an IMEC paper prepared following Switzerland's initiative in 1996 already stated. Strict criteria should be established to determine the need for new instruments. We also require better preparation and selection of topics by the Governing Body and a consistent attitude on the part of governments. Governments should only support standards if they are sure of being able to put them before their own parliament for the purposes of ratification.

Focusing on core activities also means more intensive efforts to circulate the most important standards and gain support for them. In principle, we are in favour of a declaration on the fundamental principles of the ILO provided this declaration is not merely a statement of intent, provided it leads to concrete results. What we would prefer would be universal ratification of the fundamental Conventions themselves. I have therefore undertaken to submit to the Swiss Government, the Federal Council, the ratification of Conventions Nos. 98 and 138 which would mean that Switzerland would not only have ratified all seven core Conventions but would be committed to respecting them, in accordance with our ratification procedure, and thus make our contribution to the promotion of international labour standards.

Secondly, this strengthened ILO must also take a new approach. In a globalized world, standards are no longer sufficient. While the international community has spent years discussing the problems of the social clause, the NGOs and the economy have found a positive response to negative threats of boycott, i.e. voluntary labels. Without hampering trade, these labels make it possible for the consumer to express social preferences in their buying decisions. That is why labels are already being supported very actively by Switzerland today. At the same time, however, we are concerned about the proliferation of these labels and the lack of control over their implementation. Here the ILO has a role to play. Similarly to what was done at Amsterdam, we would like to urge the ILO to introduce a constructive dialogue on the subject in the framework of a social forum at next year's session of the Conference.

The Report of the Director-General promotes the development of the ILO without actually calling for a revolution. Rapid results are possible and indeed necessary. Since Singapore, the world has turned to Geneva and the ILO full of expectations. This is a unique opportunity for the ILO, and for us the Members of the Organization this means an historic responsibility. What is at stake is not just the future of our Organization. Once again the world is faced with the question raised by President Wilson in 1919 "What shall be the conditions of labour?" At the time the reply was war and poverty. Today we have to prevent the backlash against globalization of which the Director-General has warned. This is a considerable challenge and Switzerland is ready to face up to it and has announced its readiness to participate in a national study on the social dimensions of globalization and its intention to ratify all the core Conventions.

Mr. MANNAN *(Minister of State for Labour and Manpower, Bangladesh)* — The Report of the Director-General entitled *The ILO, standard setting and* *globalization* is doubtless the result of painstaking work. My delegation looks forward to actively participating in the debate that will continue well beyond this session on the challenging ideas. Developing countries have their own perspectives on these issues. We believe only the most candid discussions on these matters will bear fruit.

The ILO's basic parameters are designed to serve the welfare and dignity of workers. The relative stages of socio-economic development obtaining in various countries need to be considered as an essential element in this exercise. The ILO needs to come forward in assisting States to progressively attain higher standards of labour welfare. The norm-setting of the ILO is not an end, but a means that would need to be dovetailed into broad-based social progress.

Hopes of many in our times have been raised by the globalization of production and the liberalization of trade. Some countries, whose problems are structural, have not been able to seize these opportunities. For the least developed countries exports and FDI-flows have fallen sharply. Yet Bangladesh, like many other similarly placed countries, has placed its faith in these values.

Despite many constraints, countries like ours enjoy the marginal competitive advantage of low labour costs. The WTO Ministerial Conference in Singapore stressed that they should not in any way be called into question. It is our expectation that the ILO would actively support, inter alia, the comparative advantage of such countries in its standard-setting activities. Any Convention, Recommendation or declaration seeming to undermine this would run counter to the attainment of social progress in these countries.

Such social progress can only be achieved through the ratification of ILO Conventions. All our domestic labour laws have been harmonized with international standards, that is, the ILO Conventions. Of the seven core Conventions, we have already ratified five; of the other two, the Government has decided to ratify the Equal Remuneration Convention, 1951 (No. 100), while the seventh is already in effect reflected in our practices.

We believe the State still has a major role in the pursuit of our social aims. This is best done by facilitating initiatives by various actors within civil society. Bangladesh's acknowledged success, however modest, in our development efforts owes much to a productive partnership between the Government, NGOs and the private sector. This is evidenced in the innovative micro-credit system on the Grameen model, or in the non-formal education of BRAC, or in the MOU signed by BGMEA with the ILO and UNICEF.

Equal access to the global labour market would facilitate attainment of minimum global standards. This would include wages. Without such access, all standards would continue to be determined by national market realities. There is no reason — economic, ethical or social — why labour should not enjoy unfettered cross-frontier movement along with other factors of production. Protectionist tendencies that deter this free flow will impede the attainment of our broadly accepted objectives. Bangladesh believes the rights of migrant workers should be scrupulously protected.

The Government of Prime Minister Sheikh Hasina, the daughter of the Father of the Nation, Bangabandhu Sheikh Mujibur Rahman, is taking all appropriate steps to advance the interests of our workers. We hope thus to realize Bangabandhu's vision of "Sonar Bangla", or the "Golden Bengal". We are no less committed to these goals at the international level. As a titular member of the Governing Body, our endeavours in this respect will remain sustained, steadfast and unflinching.

Original French: Mr. RATOVONELINJAFY *(Minister of Public Service, Labour and Social Law, Madagascar)* — The delegation I have the great honour to head on behalf of my Government congratulates the President warmly on her election to the presidency of this session of the Conference and expresses our best wishes to her and to the Officers of the Conference for the success of our work.

The globalization of the economy, the coexistence of the modern or structured sector side by side with the informal sector, the existence of new and atypical groups of workers who are disadvantaged and hence particularly vulnerable, as well as the imbalance caused by the current situation of wealthy and developing countries and, more particularly, that of the least developed countries which are already on the sidelines and therefore do not always benefit from relocation and the liberalization of the economy worldwide show, once again, that the fundamental objectives of social justice, of improving living and working conditions and of poverty attenuation are still topical and still valid.

In line with this, my delegation welcomes the fact that the Director-General of the ILO has chosen *The ILO, standard setting and globalization* as a topic for his Report, and fully supports this important document, which quite rightly emphasizes social peace and an equitable distribution of the income generated by this new economic situation. My delegation remains convinced that the ILO is taking on a mission of crucial importance in order to meet the requirements of the world of work today.

Currently, Madagascar is fully attuned to this concept of social justice, which puts man at the centre of overall economic and social development policy by advocating the establishment of a new humanist and ecological society.

In the interest of lasting social peace, in the interest of just democracy, again embodying the noble concept of equal treatment for all, Madagascar wishes to set up, in partnership with the ILO, a system of social protection which will cover all wage-earners, of course, but also those workers who have been excluded up to now: agricultural workers, workers in the informal sector and the self-employed workers. However, if we are to meet the present and future requirements of social justice in a changing world of work and offset any form of socio-economic imbalance, we must, as a matter of urgency, carry out effective measures to train workers with the aim of renewing human resources in Madagascar.

This will be reflected in modern labour legislation providing a democratic framework for labour relations which are accepted by all, together with all the guarantees for social protection which our country has undertaken to provide to working people. In order to implement these objectives, the support of the International Labour Office is essential, and Madagascar would like to request this help.

Ms. WINBERG *(Minister of Labour, Sweden)* — I would like to congratulate the President on her election to chair this important session of the Conference.

The Director-General has tabled before us an extremely rich and thought-provoking Report. He has seized the messages from the World Summit for Social Development held in Copenhagen in 1995 and from the first World Trade Organization Ministerial Conference in Singapore last December. There, member States renewed their commitment to observe internationally recognized fundamental labour standards and recalled the ILO's major role in defining and implementing those standards.

The Swedish Government attaches great importance to ILO standard-setting activities and I now welcome the Director-General's Report, which is rich in ideas, proposals and convincing arguments for future action. What he needs is our confirmation that he should elaborate further on these proposals. He has my full support to go ahead.

I therefore welcome the idea of a solemn declaration confirming the obligation to respect fundamental human rights that is already included in the ILO Constitution and as part of ILO membership. Such a declaration should clarify existing constitutional provisions and define the universally acknowledged fundamental rights. This can be done independent of the ratification of the relevant seven ILO core Conventions referred to, namely those on freedom of association and collective bargaining, the prohibition of forced labour and child labour (a question which concerns more and more people in Sweden and other countries) and on equality of treatment and non-discrimination.

Such a declaration should be accompanied by a simultaneous strengthening of the ILO's supervisory functions. This does not imply that an entirely new mechanism has to be established. I can foresee a procedure and a function parallel to that which already exists today under the Governing Body with regard to freedom of association. Nevertheless, I think it is advisable for the Director-General to elaborate on several options for the Governing Body to decide on next November.

I would, however, like to voice a word of caution. The recognition of the fundamental, constitutional nature of some rights does not mean that all other standards are to be placed in a less important category. Those fundamental rights are an absolute condition for the good functioning of the global labour market, establishing a number of principles not tied to levels of economic development.

The Director-General notes the growing awareness among enterprises of the social and environmental consequences of their activities — also having an effect on their image — and the growing concern among consumers of the consequences of their purchasing decisions. This is a trend that I think should be encouraged.

The convergence of these concerns has led to a proliferation of voluntary charters and labels of different kinds, claiming to guarantee the manufacturer's or distributor's respect for given criteria. And those labels have in some instances proved to be useful in the promotion of desirable social aims.

But it is also observed that this kind of labelling may risk being arbitrary, singling out a particular right, or product being put to improper use. For instance, it may be directed only to export sectors, leaving workers in domestic trade sectors abandoned.

As an alternative, the Director-General is launching the idea of a global social label, awarded to countries which show comprehensive respect for fundamental labour rights and principles and which agree to international monitoring. This could be done under an international labour Convention. I find this proposal very attractive and look forward to seeing this scheme further elaborated.

I have studied with interest proposals put forward to revitalize ILO standard setting. A new emphasis on the evaluation of standards has my strong support. This also goes for extending the range of choices of new items on the Conference agenda, and also the other proposals.

The Report ends with a chapter and an annex on the contents of the standards and the drafting process. My delegation recognizes the problems described and the need to review the way in which questionnaires are drafted as a basis for preparation of new instruments.

Finally, I fully agree with the statement made by the Danish Minister, Ms. Andersen, about unemployment and equality.

Mr. KOHLI *(Employers' delegate, India)* — On my own behalf and on behalf of the Employers' group from India, I extend our heartiest congratulations on your being elected unanimously to the high office of the presidency of the 85th Session of the International Labour Conference. We are very confident, Madam, that under your inspiring stewardship, the session will reach momentous decisions for the benefit of humanity.

I take this opportunity to compliment the Director-General for his Report on *The ILO, standard setting and globalization*. The Report is lucid and thought-provoking, containing as it does a number of important suggestions for bringing about improvements in the field of standard-setting activity. Standard setting has been a subject of intense debate in almost every session of the Conference, as it has far-reaching consequences for all the three social partners.

It is well recognized that economic progress as a result of the liberalization of trade and globalization cannot be achieved unless adequate attention is paid to social progress. After all, economic growth is only a means to human development and satisfaction, which is the ultimate goal. The imperative need for removing poverty and making concerted efforts to improve education, health care, housing, safe drinking water, etc., need hardly be overemphasized. The social aspects cannot be sacrificed at the altar of economic progress. The Indian employers are fully conscious of this fact and would extend all the help and cooperation to other social partners and the ILO.

When we talk of social progress, the ILO's role comes naturally into focus. Attempts at bringing in social clauses in trade agreements have been most unfortunate. The World Trade Organization's Singapore Declaration of December 1996 puts the whole issue in its proper perspective when the Trade Ministers rejected the use of labour standards for protectionist purposes and agreed that the comparative advantage of countries, particularly low- wage developing countries, must in no way be put into question. The Declaration, however, emphasized the need for observance of internationally recognized core labour standards, and they affirmed the ILO as the competent body to deal with these standards. These core standards have already been identified, and we would agree that there is undoubtedly need for ensuring their observance, but the employers from India would not like a body like the Committee on Freedom of Association to be set up, or even complaints regarding infringements of these core standards be entertained, if the country concerned has not ratified the relevant Convention. One would, however, agree that the time has come to outline a strategy for the promotion of fundamental labour standards in addition to the right to freedom of association, for which there is already an established procedure.

I take this opportunity to briefly comment on some of the ideas put forward in the Report. Item VII of the agenda regarding abrogation of obsolete Conventions has been most appropriate, and in fact should have been thought of much earlier. As was the experience with home work, one does need to ponder deeply about the choice of subjects selected for adoption of Conventions. The employers from India feel that the subject of contract labour does not lend itself to a Convention.

At a time when the role of governments is contracting, new Conventions and labour laws are seeking ever to expand the role of government. Adoption of a Convention on this subject will not be fruitful as the member States will find it very difficult to ratify it. Moreover, employers feel that in a globalized and competitive environment, standard setting in this area would be counter-productive and work towards restricting the creation of more employment. At best we can examine the need for adopting a Recommendation. There are many other Conventions and Recommendations which help in guarding the interests of contract labour.

As is evident from the Director-General's Report, there is an imperative need for greater effort to be put in by the Office and the social partners at the national level, greater recourse to the national tripartite machinery and the multidisciplinary teams for the selection of items to be included in the agenda and for deciding upon the form of instrument. The suggestions given in the Annex to the Report need to be given serious thought. I would suggest that beside the reactions which would be available during the present discussions, the social partners in each country need to be given more time to study the issue in depth.

Yet another important point made by the Director-General is about governments voting for a Convention, even though at the time of voting the governments know that it will not be possible for them to ratify the Convention. I for one would be totally opposed to such an anomalous situation. When the governments know that they cannot ratify a Convention, they should oppose the adoption of such an instrument, and the subject-matter can possibly come up at a more appropriate time in future, when the situation in most parts of the world is ripe to accept such a Convention.

Coming to the question of social labelling, the Employers' group from India strongly feels that such a practice should be best left to the prerogative of each State to decide upon its own legislation and enforcement. We also feel that such labelling would legitimize the use of labour standards for protectionism and by implication endorse the social clause. This is not acceptable to us.

While it is agreed that the consolidation of existing instruments is an extremely complex undertaking, the Director-General's suggestion that the ILO should once again bring out an international labour code needs a wider debate.

Before I close, I would once again like to mention that the Director-General's Report has highlighted a number of important issues, and I am confident that it should be possible for the participants at the Conference to reach a consensus on the ways and means to tackle the problems posed in the Report. Moreover, employers feel that in a globalized and competitive environment, standard setting in this area would be counter-productive and work towards restricting the creation of more employment. At best we can examine the need for adopting a Recommendation. There are many other Conventions and Recommendations which help in guarding the interests of contract labour.

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Mr. PARTAP *(Minister of Labour and Cooperatives, Trinidad and Tobago)* — Before I proceed I would like to add my voice to the many before me in congratulating the President on her election to the presidency of the 85th Session of the International Labour Conference. Congratulations are also extended to the three Vice-Presidents on their well-deserved elevation to such an office.

I must confess that this is the first time that I am attending the International Labour Conference. I deem it a privilege to be here on behalf of the delegation of the Republic of Trinidad and Tobago and to address this distinguished meeting of social partners.

Permit me also to extend greetings to the Director-General of the ILO. His Report on *The ILO, standard setting and globalization*, I found to be frank, enlightening and, at the same time, extremely thought-provoking and challenging. And the main challenge, if I may use some of the Director-General's words, is to determine how the ILO can make a "dazzling entrance into the third millennium"?

Indeed this is a very profound and far-reaching question and the time to answer it must be now, rather than later. In the face of the changes in the world of work brought about by the phenomena of globalization and trade liberalization, how does the ILO remain valid and retain its credibility in the twenty-first century?

I believe we would be pondering and discussing this issue well into the 86th Session. One significant change in the world of work is the proliferation of contract labour. I dare say that the atypical practices associated with this mode of employment seem to threaten the very foundation on which the ILO was built.

My delegation has a keen interest in this particular subject and we welcome its timely inclusion in the agenda for this Conference. In fact we have had some discussions on the issue both at the national and regional levels.

Not surprisingly, concerns similar to those of the Director-General were raised at the 14th meeting of the Standing Committee of Ministers of Labour in the Caribbean Community, which I had the privilege of chairing just last month in Trinidad and Tobago. We too have acknowledged the need to assess our achievements, our present position and our future needs in terms of a clearly defined vision of where we, as Ministries of Labour in the CARICOM region, would like to be as we enter the next millennium.

At the national level, my Government is conscious of the critical need to balance globalization and trade liberalization with social justice and satisfactory labour standards. In this regard, I am pleased to inform you that our Convention No. 144 tripartite committee has been in operation for almost one year now and, as a result of the hard work of its chairman and members (comprising the social partners), the Government of Trinidad and Tobago has recently ratified Convention No. 100 on equal remuneration for men and women workers for work of equal value.

I would like to assure you that my Government is committed to the ratification of all the fundamental or core ILO Conventions. The last one still to be ratified in this regard, namely Convention No. 138 on minimum age, is presently receiving the attention of the Convention No. 144 tripartite committee.

Maternity protection for women workers is also one of our priority concerns. Mindful, however, of the proposed revision of Convention No. 103 by the ILO, my Government has decided to go the route of protective legislation. In fact draft legislation has already been prepared in this area.

In addition, we are also drafting legislation on basic conditions of employment that would apply to all workers so as to ensure that our non-unionized workers in particular would enjoy some basic standards in the work environments, in accordance with the guidelines set by the ILO.

Will there be a role for the ILO in the third millennium? My answer is unreservedly in the affirmative. As long as social justice does not occur naturally alongside economic development, the International Labour Organization must persist.

In closing, it is my view that this Conference is indeed a unique forum that brings together the diverse groups for the common purpose of determining labour standards. I welcome the opportunity to be among this gathering and I pray God's blessing upon this Organization and upon our current deliberations. I thank you for the opportunity to address the sitting.

Mr. ARTIN *(Employers' delegate, Sweden)* — Madam President, let me first add my personal and friendly congratulations to you for your election and my congratulations to the Conference for having elected you to this position. I would also like to congratulate my own Minister, Mrs. Winberg, for her speech just a few minutes ago. Although I might not agree with all she said, I think we think to a great extent in common about this.

In this important debate, on issues crucial for the future of the ILO, it is fortunate that so many delegates wish to contribute. Of course the other side of the coin is that the time-limits are now very strict and we all have to limit ourselves to talk only about one or two points. So for this reason I shall only speak about Part II of the Director-General's Report and not go into the often controversial proposals in Part I. I wish, however, to make an observation in passing about Part I and that is that the Director-General, when he tackles the future of globalization, seems to me to be often very much a prisoner of the thinking of the past and of the ideas of "social engineering" which were abandoned by most others after the 1970s. He also seems to take it for granted that all principles that were natural in 1919 or 1946 must necessarily be valid also for a totally changed world of work of the next millennium. I am not so certain of that.

But as I said, I will now concentrate on Part II of the Report. On behalf of the Swedish Employers' Confederation I very much welcome the analysis of past successes and failures that the Director-General presents. He has the courage to say some things that were perhaps already rather general knowledge, but which it was not politically correct to bring out into the open. At the same time, however, he underestimates the problems and misses an important element.

This is most obvious when he deals with the events during last year's session of the Conference in connection with the Convention on home work. It is good to read that he sees it as a major problem that the former consensus on ILO aims is threatened by the fact that one group refused to discuss the contents of a Convention, but he is in error when he reduces the problem to an isolated one of form.

In fact, many of the problems that the Director-General raises, such as especially the dwindling of ratifications, from being made earlier by a minority into today's ratifications by the odd few, are symptoms of a longer and deeper illness of the ILO, hidden by the misuse of tripartism. Many governments have been playing this game, showing a rather peculiar form of neutrality between workers and employers. They vote with the workers during the Conference in adopting this series of less and less relevant Conventions, and then back home they vote with the employers in not ratifying what they adopted during the Conference.

To one who has been active in Geneva for only a few years, it is surprising that the Director-General now tells us that these problems have been brought up as early as 1946, and then more and more consistently in later years. It is however sad, that it took the so-called "incidents" at last year's Conference to make these problems visible also to the Office.

The Employers' group has, for a number of years, brought forward suggestions for a better and less irrelevant standard-setting procedure, but we have had little, if any, response from the other groups or from the Office. But these problems with standard setting and the situation of the three constituents of the ILO are quite serious today, and even more so for the future. If one of the three constituents of this tripartite body feels that its Members are not getting much, if anything, out of this whole business, but on the other hand finds itself consistently voted down by the other two, it will sooner or later start questioning why it is present to give legitimacy to what is against its strong beliefs. It will be especially difficult to give a good answer to that question when the product of this business is not even, in the final count, bought by those same governments who voted for it during the Conference. I should perhaps remind the Conference that for employers and workers, there is no real obligation to take part in this work.

Several of the proposals for the future by the Director-General are indeed in the right direction. It is for instance helpful that he sees the dangers of voting new and detailed standards where the value added is questionable. And his pleading for more regular use of Recommendations standing free of Conventions is very convincing. The results of this and next year's discussions on contract labour will, in our view, be crucial as an indication of whether the ILO is going in the direction that the Director-General advocates and the employers have demanded for so long, or if it will once more confirm the inability of the workers and many governments to break the evil circle of the ILO over later years, and that will be a serious threat to its credibility and its future.

Original Arabic: Mr. AL HAROON *(Employers' delegate, Kuwait)* — In the Name of Allah, the Merciful. It gives me pleasure at the outset to convey to you all the greetings and regards of the Kuwait Chamber of Commerce and Industry, which represents the employers in my country, and which I am honoured to represent within the Kuwaiti delegation to your esteemed Conference; and to congratulate you Madam President and your Vice-Presidents of the tripartite parties for the deep confidence bestowed upon you by the Conference in electing you to preside over this session, wishing you all the success in your mission.

To be fair, I would like to commend the Director-General for the good choice of the topic of his Report to the Conference about *The ILO, standard setting and globalization,* as we are all concerned with the social effects of globalization and the process of development towards the general welfare of all countries. Moreover, we share with him the opinion that all member States, by virtue of their acceptance of the Constitution as well as the objectives and principles of the ILO, are bound to a minimum of obligations with respect to fundamental rights, and we confirm with him the need for reconsidering the standards set by the Organization to cope with the present economic and social developments.

Despite the brave and objective criticism of the Director-General of the method of selecting the topics of standards, we notice that the International Labour Conference during the last five sessions, including the present one, has been discussing topics like labour in the informal sector, part-time labour, household labour and subcontract labour. The aim was to subject all these topics to standards that impose more restrictions on countries, thus hindering their development, although such kinds of employment are considered amongst the most important ones, being sources for the creation of new and non-traditional jobs that can absorb a good proportion of the labour market input.

Please permit me in this connection to draw attention to the necessity of developing the traditional role of the ILO, which should still concentrate on standards and their application, and it is worth mentioning here that the forms and mechanisms of selecting, conforming to and observing the application of the standards has become outdated and incapable of matching the speedy succession of international developments.

I have the feeling that the Report of the Director-General implies, in one way or another, a sort of submission to the idea of linking trade globalization to international labour standards. This is clear in his proposal to grant a kind of "social label" to the products of countries that abide more by the application of standards. Despite the efforts put forward to promote the proposal and eliminate any possible reservations, permit me to highlight the following precautions.

The ILO should be immune to all possible pressures that may be exerted on it, thus it should not act according to the likings of the strong at the expense of the aspirations of the poor.

Our Organization is not solely for the élite but for all its Members; thus it should take into consideration the differences and the means and capabilities of all the member States. The natural law that will govern interstate relations under the globalization umbrella is conflicting interests and wills, and should the ILO side with anyone, it should definitely side with the less capable and the most vulnerable.

The proposed social label, if decided upon, will definitely be to the benefit of the well-developed States that have long experience in the export business, hence will not be a motivator anymore.

The ILO from its very beginning has clearly drawn its own policy, goals and means. Its goals concentrated on social peace based on justice and principles of human rights, and its means of reaching its goals is that unique democratic approach, namely the tripartite structure which is considered as an international parliament of the social partners from different member countries. These are the fundamentals that we should all adhere to, with no modification or change, while all other issues are variables related to performance, efficiency and development of work methods. It is in this context that we dedicate our call for development and renovation.

Original Russian: Mr. GONCHARIK *(Workers' delegate, Belarus)* — I would like to join the previous speakers in congratulating the President on her election to chair this session of the International Labour Conference. Her election was well-deserved.

The respect for fundamental labour rights, (such as the right to free and safe employment, to remuneration for work, to freedom of association and collective bargaining, etc.), is a major indicator of the maturity of States and societies, and of their capacity to ensure economic growth and social justice. It is only on this basis that we can create the conditions necessary to raise standards of living and to permit personal fulfilment on a harmonious basis.

We believe the choice of the subject of the Report of the Director-General is thus highly topical. Our rade union confederation bases its activities on a principle enshrined in the Republic's Constitution — hat Belarus should become a democratic social State based on the rule of law. We think this will be the case.

Unfortunately, for the time being it is true to a large extent only on paper.

Recently, we have noted in the activities of the pub- ic authorities an attempt to lower the level of legal and social protection of our citizens. There have been massive violations of labour legislation, working con- ditions have deteriorated, and workers have received heir pay only partially or with great delay, even when wages were low. There is a very high level of hidden unemployment.

There have been attempts to limit the ability of un- ons to protect workers' rights, economic and social ntitlements and their interests in general, including y restricting the right to take labour action.

In April we had an extraordinary plenary of the ouncil of trade union federations, which adopted a pecial declaration on the respect for labour rights nd the social and economic rights of citizens. The lenary expressed its concern about the situation and equested the Government to lift the restrictions mposed on trade unions, and to bring the list of ranches in which strikes are prohibited in line with LO standards. We also asked that the current legisla- on aimed at protecting the constitutional rights of itizens be modified and amended. The trade unions' osition of principle, which is in keeping with the onstitution, is that we should build relations be- ween the unions, employers' associations and the ublic authorities on the basis of mutual respect and ocial partnership.

This means that the partnership should work on an galitarian basis.

The responsibility to carry out the agreements they each should be shared by all parties. We protest — nd will continue to protest — against the violation of e rights of working people and the rights of trade nions.

I think this proves that it is not enough for ILO onventions simply to be ratified. It is important that e ILO member States fully observe their obligations ith regard to fundamental rights. That is why we sup- ort the idea of a mechanism capable of assisting in e implementation of these principles. As we see it, is must include a comprehensive study of the situa- on in the field, as well as consultation with all parties ncerned. Objective conclusions must be drawn, and ey should lead to recommendations; in addition ere should be strict monitoring to ensure that these commendations are carried out.

At the same time, while we are very much in favour defending democratic rights and freedoms and wish improve the situation, we would like to ask all of u, including workers' organizations, to be very care- l when it comes to calling for strict trade sanctions ainst certain countries. In the case of Belarus, such nctions would aggravate the economic crisis. The epublic, as you probably know, is still overcoming e very serious consequences of the Chernobyl disaster. Sanctions would worsen the situation of workers still further.

We feel that there are still plenty of opportunities to improve the situation on a constructive, democratic basis, without resorting to any economic or trade restrictions.

Our federation is prepared to cooperate with all national and international groups with a view to doing so. We are counting on your understanding and help.

Original French: Mr. WADE *(Employers' delegate, Senegal)* — On behalf of my delegation, I should like to pay tribute and convey my warmest congratulations to the President on her brilliant election. Allow me to extend these congratulation to the other Officers of the Conference, and in particular to Ms. Sasso Mazzufferi, for her competence and her commitment, from which the Employers' group has always benefited greatly.

This year the Conference is taking place at a crucial time in the history of the human race. In the face of rising perils, namely wars, genocide, coups d'état, and the population explosion, societies are becoming increasingly fragmented. A social rift has split the world and is growing wider. While worldwide GNP has increased by more than 40 per cent in the course of the last decade, the poor have continued to grow in number, particularly in Africa, where they may make up 32 per cent of the population by the beginning of the twenty-first century, compared to 16 per cent in the 1980s.

At the same time in most regions of the world there has been no progress with regard to employment, particularly in Africa; the situation is worrying, especially in the case of productive employment.

This unprecedented situation seems to have created a new state of mind amongst the social partners today, who have grouped together around the core issue — using concertation as the most appropriate means of handling labour disputes, and safeguarding jobs, particularly in the case of enterprises facing difficulties.

In this context, our Organization must continue to be a haven for all of those who have lost confidence in a world in search of hope. It is up to us to strengthen its credibility and its effectiveness by undertaking the necessary reforms. This step requires courage, perseverance, lucidity and innovation in finding solutions to the problems afflicting humanity.

It is up to us to place the ILO at the forefront and to make it a guiding light for organizations that aim at proactive reflection, economic action and social progress. The ILO should be perceived more as a modern organization, able to adapt to changes in the world, which are as rapid as they are radical.

We should welcome the decisive action carried out to adopt Conventions which have contributed substantially to the defence of human rights, to safeguarding principles such as dignity and freedom. However, we should question the relevance of certain Conventions which have become obsolete over the years. Indeed, a number of texts have met with very few ratifications despite the many efforts made here and elsewhere.

We should therefore *renew* what already exists but we should also *innovate* by thinking about future actions that are in step with the economic and social problems of our times. In other words, we must be *proactive*.

This is no doubt one of the many challenges before us as the century draws to a close. If we fail to face it we run the risk of stagnation and sclerosis, which jeopardize the life and development of any organization. We should therefore seriously envisage covering topical issues but also think of eliminating obsolete texts. The Director-General is quite right in speaking of "more targeted standards for a greater impact". In this exercise, we should adopt a marketing approach based upon the supplier/client relationship, the former being the ILO, which should have a better understanding of demand, and the latter being the constituents. In other words, what we need is flexibility, the ability to adapt, anticipate, and evaluate *ex-ante* and *ex-post*. These must, henceforth, be the major strategic approaches of the ILO's standard-setting policy.

We must settle this question today. The solution we choose will probably help shape the future of our Organization at a time when the distinction between the economic and social realms has become very tenuous and when the near monopoly it has exercised to date is no longer a panacea. Indeed, it is this ability to change and to adapt which is expected of the ILO's partners and feared by its detractors. We should bear in mind that there can be no social development for the well-being of men and women, young and old on our planet, without this attitude.

This is why all the possibilities of boosting competitivity should be explored, all levers used to promote employment creation. In Senegal, interesting reforms are now under way. Tripartite consultation is largely based upon the Tripartite Concertation Committee set up in 1994 following the change in parity of the CFA and the French franc. This body, which groups together all the relevant ministries and workers' and employers' organizations, meets every month to examine all the economic and social issues of concern to the social partners in a tripartite framework.

In addition, a General Committee for Concertation on Development, presided over by the Prime Minister, was set up between the Government and the private sector. It meets every quarter to examine strategic and operational problems. Furthermore, a number of initiatives are being taken to reduce unemployment in a tripartite framework; I should like to mention the discussions currently under way with a view to setting up an employment solidarity fund.

Moving on to another subject we have been asked to discuss two important items in committee: general conditions to stimulate job creation in small and medium-sized enterprises, and contract labour. As employers, these subjects are of concern to us. Dealing with them requires pragmatism, clarity of vision and intelligence. The ILO report *World employment 1996-97* sounds a warning: the employment picture worldwide is still grim. Concerning developing countries, the report concludes that there is an immense need for more productive and better-paid jobs and that this need should be met by rapid job creation.

The same observation made by other institutions, as also by our own, calls for vigorous strategies based upon bold institutional and economic reforms. Essentially, we need to turn our States into modern States, that is, whose aim is to achieve the common weal effectively and equitably, and modest States, in the sense that they should husband their resources and create a stable business environment by carrying out the reforms that are necessary in order for private initiative to flourish.

In short — an effective and capable public sector, to back the initiatives of a capable private sector. In order to attain this objective, a number of employers' organizations are carrying out strategic planning with the support of ACT/EMP. This is the case of the National Council of Employers of Senegal, which in January 1997 adopted a Five-Year Development Plan. This is the royal road to providing enterprises with quality services worthy of the twenty-first century, which is just around the corner, bringing with it unbridled competition, demanding, informed consumers, well-organized and highly skilled workers, quality products and increasingly sophisticated production tools. In this fiercely competitive world there is no place for losers, and the first act of this titanic struggle has already begun.

I am convinced that like me you are counting on winning.

Mr. RISKI *(Employers' delegate, Finland)* — Let me join those who have already congratulated the President on her election and commend her for the efficient way in which she has conducted her duties.

In his Report, the Director-General deals with the important issue of how the ILO should respond to the expectations that the international community is placing on the Organization. He puts forward a number of controversial proposals to achieve greater relevance of the so-called core Conventions. The proposals cover a wide range of issues and include ideas such as the adoption of a declaration of principles, the sharpening of supervisory mechanisms, the introduction of social labels, and an improvement in the selection of future standard-setting items.

I will focus my comments on the feasibility of the declaration of principles and some of the issues relating to the low rates of ratification. Before elaborating on these, let me say that I remain opposed to the idea of social labels because of the inherent potential fo them to be used for protectionist purposes.

It is understandable that liberalization of trade has raised the issue of the protection of workers' rights which in this context means the ILO's core Conventions. As the Director-General points out in his Report, the Declaration of the Summit in Copenhage dealt with the same issue. The WTO's Ministeria Conference in Singapore late last year also looked a this issue from another angle.

The low rate of ratification of ILO Conventions ha also been debated. The ILO has tried to promote ratification without sufficient reflection on why so man member countries have failed to adopt the Conven tions.

Especially in recent years, the instruments have often been adopted by the Conference by only a sligh majority. Those governments that have voted for thes instruments have at the same time cast the decisiv votes in favour of their adoption. Often, the same governments, that during the Conference have decided o the form and the contents of the instruments, fail t ratify them in their own countries. For whom therefore, if not for themselves, do the representatives o these governments elaborate such instruments?

Once ratified, the Conventions are binding. IL member States represent a vast spectrum of differen cultures at different stages of economic developmen Because of this, Conventions that are too detailed an too far-reaching are, and will naturally remain, at low level of ratification.

In his Report, the Director-General attempts to find ways to increase member States' observance of the so-called core Conventions. One of the main proposals for achieving this is to change the obligations of membership. The ILO has its Constitution as do the member States. In Finland, at least, an international agreement must undergo a constitutional decision-making process before it is accepted and recognized as a national obligation. I do not see it possible for a new interpretation of the ILO's rules to circumvent or override the national decision-making process. Neither is it possible for a new declaration, even if it would deal only with principles, to become binding without the proper acceptances and decisions at the national level.

How can the ILO improve the rate of ratification of its Conventions? The idea of promoting the principles is a good one and we, employers, have for a long time called for the adoption of such principles. An emphasis on principles in Conventions rather than on details could produce international instruments that would allow greater flexibility which is nowadays required in the labour markets. Such Conventions would also gain greater acceptance, respect and have a greater impact at the national level. I do not believe that interpretational tricks will increase member States' commitment to the ILO.

Original Arabic: Mr. DAHLAN *(Employers' delegate, Saudi Arabia)* — In the Name of God, the Merciful, the Compassionate! Madam President, may the peace of God be with you. On behalf of the employers of Saudi Arabia and on my own personal behalf I have pleasure in congratulating you most warmly on your election to the presidency of this session of the International Labour Conference which, we hope, will achieve the wishes and aspirations of the three groups.

The choice made by the Director-General of a number of technical issues connected to the work of the ILO is a very good one, that is the least we can say, quite apart from our support for the recommendations and proposals contained in the Report. The standard-setting activities of the ILO in the era of globalization is one of the most important issues within the framework of the mandate and activities of the Organization and one which casts a new light on the role of the Organization on the eve of the twenty-first century, entailing new working methods in line with social developments throughout the world. We hope that this question will be the subject of an in-depth study by experts and advisers in the three groups so as to reach useful conclusions whilst emphasizing the fact that according to the Singapore Declaration the Organization is the competent body empowered to carry out standard-setting activities. Our present procedures cover the monitoring of the application of standards, which is an economic regulatory procedure, meaning that we do not have to create a new mechanism for follow-up and monitoring.

The agenda of this session includes a very important technical item as far as we are concerned as employers. We are referring to the general conditions to stimulate job creation in small and medium-sized enterprises. This is a question of particular importance to the private sector in my country. The Chamber of Commerce and Industry supports small and medium-sized enterprises to enable them to survive and indeed succeed. Commercial banks and development funds also lend their support to these enterprises. The Government of Saudi Arabia through these various organizations provides its support and assistance to these enterprises so as to remove any obstacles they may encounter and so as to create an environment that is favourable for investment. This is done by lowering taxes and customs duties. The Chamber of Commerce and Industry is doing all it can to create an environment favourable to productivity. It is carrying out studies and researching training and retraining programmes for administrators, since these enterprises can absorb a considerable number of national and migrant workers. The support given to SMEs, in the form of tax exemptions, direct support towards the costs of electricity, water and support services, a reduction in customs duties, and promotion of exports and infrastructure is an example of the privileges enjoyed by small and medium-sized enterprises.

I wish to say, on behalf of the employers of the Middle East, that we would like to have more assistance from the Organization through its Office in Beirut, to strengthen the technical programmes for employers' organizations of the Middle East, through training programmes, seminars and meetings, in order to support the economic development process in our region. We hope that more credits will be allocated to the Beirut office for this purpose.

We are very pleased with the efforts undertaken by the Organization to promote social justice and equality, and with the support given to workers in Palestine and the other occupied territories whose rights have been encroached upon. We would like to emphasize the need for this role to be pursued, so that the Palestinians can regain their rights and there can be an end to the injustice they are suffering in the occupied Arab territories and southern Lebanon. We are convinced of the need to reintroduce peace and to implement international agreements. To end I would like to thank you, the Director-General, his staff and everyone who helped in the preparation of this Report.

Original French: Mr. VITTORI *(representative of Pax Christi International)* — Allow me to congratulate you, Madam President, on your election. I would also like to thank the interpreters who have accepted to work well beyond their normal hours.

The organized struggle of workers against unjust working and living conditions, and the support they have received from major philosophical, ideological and religious streams of thought might not have been enough in 1919 to give birth to the tripartite ILO without the major fear that was engendered by the Bolshevik Revolution.

The Director-General in his Report states that the disappearance of the managed economic system has led to the advent of a global market whose laws, promises and risks have now expanded throughout the world. The same response is necessary when coping with the equally disastrous consequences, disastrous for freedom, dignity and well-being of two discordant systems that only agree in the exploitation of man by man.

The first was unable to solve the problem of social justice in full freedom, and in response to them the ILO found its standard-setting activities in tripartism. Over the years this was refined and developed, going from the general to the particular. Today, the time has come to trim things down, but are the instruments under consideration really obsolete in all countries? For example, is Convention No. 45 of 1937 concerning women of all ages employed in underground work in mines, obsolete everywhere?. Whatever the case, the question arises less in the number than in the effective application of standards which, as the Director-General points out, find their source and their inspiration in the values that are enshrined in the Constitution and the Declaration of Philadelphia.

The Director-General welcomes, as do we, the flattering references to the standard-setting activities of the ILO made by the Copenhagen Summit in 1994 and by the WTO conference of trade ministers that met in Singapore in 1996 which described the ILO as the competent body to establish these standards and to apply them. However, the conference did not express the slightest intention of referring to this in the rules of world trade that they wanted to be without any impediment whatsoever. The tribute that was paid to the respect for human dignity in labour is not accompanied by the kind of political will to have this prevail in all circumstances. The same governments, therefore, seem to forget in the WTO what they say in the ILO. I do not know if this is due to a lack of consistency, an absence of synergy or what.

Anyway, the ILO can enforce its standards according to its own machinery and it certainly manages with patience in democratic countries or those in transition to democracy and the idea of awarding an ILO labe to the best is certainly interesting. But what do you d against the dictatorships which continue to marke throughout the world the production of prison labou or, indeed, the output of manpower that is deprived o all possibility of individual or collective defence of it elementary rights? Therefore, there seems to be closed barrier between business and human rights an one may wonder if there is going to be any real effec within countries under a dictatorship of any solem proclamation of a body of fundamental rights. Ther is an undeniable risk of sliding from specific and concrete standards towards general declarations tha have little constraining force, that could finally be reduced to the Universal Declaration of Human Right which celebrates its 50th anniversary next year.

I cannot comment now on the Director-General' Report on the situation of workers in the occupie Arab territories. It is extremely severe, but it is objective and courageous and unfortunately confirms great many worries for the establishment of a just an lasting peace which will only emerge, doubtless, whe the end of the occupation takes place.

(The Conference adjourned at 7.15 p.m.)

Fifth sitting

Wednesday, 11 June 1997, 10 a.m.

Presidents: Mr. Khalil and Ms. Keltošová

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT (Mr. KHALIL) — In the Name of Allah, the Merciful, the Compassionate. We start this sitting with the continuation of the discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Original Arabic: Mr. EL HARRAS *(Employers' adviser, Morocco)* — On behalf of the Employers' delegates of Morocco to this 85th Session of the International Labour Conference I have the honour to extend my most sincere congratulations to the Chairperson of the Governing Body of the ILO for his report, and to the President on her election to the presidency of this Conference.

As regards the Report submitted by the Director-General of the ILO, which this year addresses the ILO, standard setting and globalization, in all objectivity and honesty we must recognize its great wealth, both in terms of its content and the proposals it sets out.

Allow me to focus on three themes: first, the social dimension and the liberalization of trade; second, how to adapt labour standards to the liberalization of trade; and third, the promotion of employment, the flexibility of labour law, and the encouragement of the creation of enterprises.

As regards the first point, the social dimension and liberalization of trade, social questions are becoming more and more global in nature, reflecting economic globalization and the liberalization of trade. Trade liberalization and globalization are very closely linked, as we can clearly see today. Moreover, the idea that trade liberalization cannot proceed without social progress is gaining currency.

Competitiveness is the key to economic progress. The advantages that developing countries draw from their levels of wages and social protection, which are low in comparison with those of the developed countries, are self-evident and stem from the logic of production. They should be maintained neither artificially lower nor artificially higher than their genuine productive capacities.

We can thus see the great difficulty of resorting to simplified and uniform solutions in the social field as trade is liberalized.

It would appear that the idea of adopting a social clause has been set aside for the time being. But the ILO was called upon to take care of the social dimension. The Report of the Director-General of the ILO sets out proposals for a social label instead of the social clause, which is perceived as having a more protectionist connotation.

While it is true that this proposal is innovative as regards its concept, methods and objectives, we must recognize that it involves a great threat as regards the exclusion from the world market of products coming from most of the developing countries.

I cannot claim to have an alternative overall solution to this problem. However, allow me to invoke a strategy which is no doubt nothing new, but which is still quite valid. Let us seek adequate, appropriate and effective means to ensure that wage levels and social protection develop hand in hand with the competitiveness of the different national economies concerned.

For this to occur, two needs must be met. First, the fundamental rights of workers must be respected. But these rights must be appropriate, flexible and capable of evolving. Secondly, there must be a social dialogue in a tripartite form at the local and national levels.

The Kingdom of Morocco, through on the one hand the National Council for Social Dialogue and on the other hand meetings and gatherings which bring together trade unions, employers and the public authorities, has made significant progress in this respect.

However, regardless of what kinds of internal socio-economic and socio-political reforms might be introduced in the developing countries, I think the developed countries should contribute their help and assistance to allow for an acceleration of economic and social development in these countries. In this sense, the recent 50th anniversary of the Marshall Plan is particularly significant for economic and political reasons. But that Plan was for European countries.

Secondly, I would like to address the question of how to adapt labour standards to the liberalization of trade. In an ever changing world, the standard-setting activities of the ILO cannot be left on the sideline. Hence the importance of better targeted standards, with an optimal added value.

In this regard we can quite clearly see the importance of striking a balance between regulation on the one hand and on the other hand initiatives taken by the social partners to ensure their freedom of action, as is stated in the report. This underscores the importance of Recommendations which are perfectly independent, accompanied, no doubt, by new follow-up methods, such as awareness programmes at the national and international level, training programmes, etc.

It would appear, furthermore, desirable to evaluate and revise the Conventions which already exist, so as to maintain those which are still adapted to the economic situation.

Thirdly, as regards the promotion of employment, flexibility of labour law and the encouragement of the creation of enterprises, it is more and more clear for developed countries and all the more so for developing countries that the main challenge is now the promotion of employment, while at the same time the respect of the fundamental rights of workers — the basis of social peace — cannot be disregarded.

We must acknowledge that it is not an easy task to work on both these problems at once.

One possible solution in the offing involves "flexibility with regard to labour law", accompanied by a genuine strategy for the promotion of enterprises. This entails taking all the necessary measures to promote employment by stimulating the creation of enterprises, and particularly small and medium-sized enterprises. The ILO's choice of this theme for the agenda of this session is most timely.

A labour-law strategy which is flexible in the positive meaning of the term would necessarily involve two conditions: firstly, the promotion of a genuine strategy, and then a search for appropriate means.

Original Spanish: Mr. ARTHUR ERRAZURIZ *(Employers' adviser, Chile)* — Madam President, the changes that have taken place in the world in the last decade have been accompanied by a revitalization of the concept of free enterprise, that countries, which previously had very different ideological approaches, now recognize as the best way of achieving full employment and an increase in standards of living, as set forth in the Declaration of Philadelphia.

Companies are once more assuming their role as protagonist which the economic policies of most countries had conferred upon them, yet with a different face from the time when the ILO originally adopted most of its standard-setting activities. The technical requirements of the modern firm mean that the contribution of specialized workers is reducing the relative importance of capital, so that amongst other factors, the differences that inspired the initial Conventions are no longer prevalent.

Although the protection of workers continues to be a need to which the ILO must attend through its standard-setting activity, it is obvious today that the most urgent problem is to solve the problem of unemployment which is affecting most of the countries in the world. For this reason, it seems to us that the ILO's first priority should be to reorient its standard-setting activities with a greater commitment to the creation of productive employment which is the most serious problem today. This commitment is reflected in the need to make standards more flexible, not in order to lessen the impact, but instead to guarantee their application to a wide variety of different situations in countries with very different degrees of development.

Flexibility in terms of labour is becoming an even more pressing need, if one bears in mind the process of trade in goods and services, and the movement of capital which accompanies the globalization of the economy.

Some countries have attempted to establish so-called social clauses in international trade treaties in order to protect themselves from dumping to which they feel they are exposed in negotiating with countries with a lesser degree of development, and consequently, with lower wage levels.

The International Organization of Employers, like the Singapore Ministerial Conference, categorically rejected the use of labour standards with protectionist purposes, and agreed in recognizing the legitimacy of the notion of comparative advantage of developing countries with their low wage levels. No developing country is proud of having this comparative advantage. Instead, it is in our interest to achieve development, and with it, better standards of living and working conditions in general. This obliges us to struggle against any protectionist barrier of any kind whatsoever in order to continue to make progress towards the attainment of the aforementioned objectives.

In the Singapore Declaration, the signatories committed themselves to observing internationally recognized labour standards, and expressed their support for the ILO's promotional activities. In this sense, we support the effort being made by the ILO to promote core labour Conventions and we encourage the ILO to find the appropriate supervisory mechanisms even in those countries that have not yet ratified these Conventions.

However, the idea of establishing labels to identify those products which have been made in full observance of basic labour laws, seems to us to undermine the ethical commitment which ultimately should guide countries towards fulfilment of standards.

In order to assume this task, the ILO should gain in credibility through the effectiveness of its instruments. There is no doubt, as stated by the Director-General in his Report, that Conventions are one of the means, no doubt the most important means available to the ILO, of achieving its objectives and of making the values set forth in the Constitution more tangible. However, the proliferation of unratified Conventions, even in the case of those countries that voted in favour of these Conventions, has undermined its credibility. We believe, therefore, that it is indispensable to do away with the policy of adopting one or two Conventions per year, and instead to have recourse to the process of drafting standards only when absolutely necessary, when the health or the fundamental rights of workers are affected.

The Report recognizes that the globalization of the economy obliges us to rethink fundamental values and concepts in standard-setting activity, while expressing concern about the validity of fundamental values, beginning with social justice which seems difficult to preserve in an environment which is governed by unbridled competition. First of all, we do not desire unbridled competition. We want competition which is based upon the basic principles of the ILO.

We can understand the doubts and uncertainties created by such a sudden change on the world stage. However, we do not understand the doubts expressed concerning the capacity of an economic system based on competition to generate better conditions of employment and to promote social justice. This is the only system that has been able to promote development and to improve the living standard of workers in countries that have adopted them. Let us look at this forum. Which countries have the highest standards of living? Those whose governments, for decades, have based their development patterns on the centralized planning systems of states, or those that have been involved in a system of free enterprise which is becoming a free and competitive market? Why was the existence of social justice never called into question when prevailing economic systems condemned their countries to stagnation and their workers to poverty? Globalization of the economy can transfer well-being from the more developed countries towards those which, since they have a lesser degree of development, have comparative advantages in terms of wages. Yet this does not harm the principle of social justice. On the contrary, it serves to promote it.

There is no doubt in my mind that the future is promising, more so than the recent past. Whether this hope materializes depends, to a large extent, on the attitude assumed by the social partners. Private enterprise in an atmosphere of healthy national and international competition is the best instrument to continue to open up new opportunities for progress. The ILO is called upon to encourage this process and to channel it through the basic labour principles which guarantee effective social justice.

Mr. ABDELLA *(Minister of Labour and Social Affairs, Ethiopia)* — It is indeed a pleasure and an honour for me to be accorded this opportunity to address this august Conference. At the outset, allow me, Madam President, to congratulate you on behalf of the Federal Democratic Republic of Ethiopia, and on my own behalf, for your well-deserved election to the presidency of this historic Conference. My delegation is fully confident that, with your able guidance, our deliberations will reach a successful conclusion. May I also seize this opportunity to commend the Director-General and his competent staff for the well-researched and comprehensive reports placed before us. These valuable reports draw our attention to the most topical issues of all time.

This Conference will be a landmark in the history of the ILO and it will enable us to reassess ILO's past achievements and meet the challenges of the twenty-first century. My Government reiterates its support and commitment to the ILO and attaches paramount importance to its role as a centre of excellence and reference in the areas of international labour standards. The Report of the Director-General, entitled *The ILO, standard setting and globalization* merits careful consideration. We appreciate his tenacious efforts to reconcile varying views on the most controversial issues of the link between international trade and labour standards.

The World Trade Organization's Singapore Ministerial Conference, in paragraph 4 of its Declaration, reaffirmed the commitment of governments to the observance of internationally recognized core labour standards and they acknowledged the central role of the ILO in setting and dealing with such standards.

The same Ministerial Conference has categorically rejected the use of labour standards for protectionist purposes in international trade and agreed that the comparative advantage of countries must in no way be put into question. In this regard it is important for the ILO to reassert its role in the field of standard setting to ensure that labour standards in all countries are promoted for the betterment of workers through, primarily, the strengthening of the existing supervisory mechanisms as contained in article 19 of the Constitution for the application of core and fundamental Conventions of the ILO.

As you may be well aware, the Government of the Federal Democratic Republic of Ethiopia is committed to a radical reform programme with the objective of moving to a free market economy. The transition from a command economy to an economic system driven by market forces had to take place in a particularly difficult and complex situation because of the need to rehabilitate the war-devastated economy. The objective reality of Ethiopia has been transformed in the past six years so radically that what we are talking about today is a new Ethiopia which has begun to fulfil its economic potentials. An average growth rate of gross domestic product of more than 7 per cent over the last four years after decades of economic decline, clearly indicates that Ethiopia is about to take off. On the political front, we have put in place the necessary political institutions and democratic structures that guarantee for the country and its peoples durable peace and stability.

Similarly, our national labour law guarantees tripartite consultation and we are fully committed to these principles with social partners.

With regard to the problems and crisis created within the Supreme Council of the Confederation of Ethiopian Trade Unions for almost the last three years it has now been overcome after relentless effort on the part of the workers. To this end, on 25 April 1997, the eighth General Assembly of the CETU decided to reorganize and reinstate the Confederation of Ethiopian Trade Unions based on the free will of its entire members. The establishment of the Confederation of Ethiopian Trade Unions is a most gratifying outcome, especially for the leaders of the industrial trade union federations who have sorted out their differences for the sake of trade union unity and in the interests of the working people of Ethiopia. On the employers' side, the Ethiopian Employers' Federation was already established, thus making it possible for us to be here as a tripartite delegation. In this connection, allow me to express my sincere gratitude to the ILO officials and experts as well as to the Director-General for their valuable support for the reinstatement of the Confederation of Ethiopian Trade Unions. Let me reiterate that we remain committed to international labour standards as our guiding principles governing worker-employer relations and labour matters, ensuring social justice and social peace.

Turning to the remaining agenda items, particularly the issue of contract labour, general conditions to stimulate job creation in small and medium-sized enterprises and the revision of the fee-charging employment agencies Convention are all timely and pertinent to the work of this session of the Conference.

My delegation believes that the adoption of such international instruments to address problems of our working population and in view of the dynamic global, economic and social changes should be our prime concern.

In conclusion I would like to share with you today that our experience has taught us the difficulty of establishing and promoting democratic culture in developing countries like Ethiopia. The democratization process in my country is bound to be slow and full of daunting tasks. Nevertheless, despite the hurdles, the Federal Democratic Republic of Ethiopia is determined to pursue the ideals of democracy and development with vigour and determination. In this regard we attach paramount importance to the ILO's technical assistance activities and to its active partnership policy in particular. We request the Director-General to upgrade and strengthen the Addis Ababa multidisciplinary team and the ILO Area Office with the necessary personnel including experts in the field of labour standards, to enable the team and the Office to discharge their responsibilities fully and efficiently.

Mr. MINTOO *(Employers' delegate, Bangladesh)* — The Director-General has submitted a well-prepared Report to the Conference. Like many other LDCs, we are concerned about certain aspects of his Report, especially those which place emphasis on uniformity of observance of core labour standards by member countries, to ensure that social progress in all countries accompanies the economic progress resulting from trade liberalization. In other words, the Director-General's proposal is to confer on countries a social label for their products in return for the observance of core labour Conventions. This amounts to a more wide canvas than the WTO proposal as it will cover not only the goods which are traded on the international market but also those traded on the domestic market. We agree with the Director-General that social progress is indispensable to the consolidation of the multilateral system but this has wider implications for the less developed countries.

If the LDCs have to address the core social agenda and use benefits arising from globalization to achieve social progress, they invariably need time-bound partnership programmes and reciprocation from the developed countries. The developed countries ought to recognize the developing countries' competitive development as a positive or supplementary factor in their own growth process, instead of imposing ill-conceived conditionalities based on lofty-sounding principles such as environmental sustainability, social rights, etc. Nothing short of renewed international commitment will enable the less developed countries to achieve social progress, as nearly 30 per cent of their workforce remain unemployed or underemployed. The developing countries are second to none in ameliorating the social conditions of their people if they have the means to do so. Several countries have already initiated measures which could not have been contemplated a few years ago. For example, Bangladesh has taken determined steps to take millions of children out of work and admit them to educational institutions to ensure their education and skill development. All such efforts, in order to be sustainable, require resources. Social progress cannot be achieved by adopting the so-called core Conventions. Bangladesh has been a signatory to all but one of the five core ILO Conventions, but these have been of least help to its task of socio-economic development. On the other hand, social progress will become easy when developing countries are able to integrate equitably into the world economy and become new growth poles. For this they need increasing development assistance, direct investment and technology, so as to develop competitive capacities in manufacturing and services. It is universally recognized that the developing countries are not claiming anything which is against the legitimate interests of the developed countries. Developing countries are asking for what they fully deserve, if there is to be a shared future for our world.

The precarious resource constraints of the LDCs have been highlighted in an UNCTAD study. It shows that, despite the recovery in the world economy, the real GDP growth of the LDCs fared poorly during the first four years of the 1990s, declined from the 2.3 per cent achieved during the 1980s. With the average annual growth rate of the population at 2.9 per cent, GDP per capita declined 1.1 per cent annually, thus threatening to worsen the already precarious income-consumption levels, as well as to widen the savings-investment gap in these countries. Assistance to the developing countries (ODA) has declined. The GNP/ODA ratio for the donor countries declined to 0.07 per cent in 1993, as against the target of 0.20 per cent. The flow of foreign direct investment (FDI) to all LDCs amounted to less than 1 per cent. Surely much remains to be done at the international level.

However, the growth rate of Bangladesh has been somewhat better than most of the other LDCs. The average GDP growth rate has been nearly 5 per cent for several years. Notwithstanding the limitation of resources, Bangladesh has introduced a wide range of policies and institutional reforms to accelerate the socio-economic development. Special focus has been placed on human rights, human resources development, increased participation of women in development activities, poverty alleviation, environmental protection, and so on.

Original Spanish: Mr. SADHALA *(Employers' delegate, Dominican Republic)* — The delegation of the Employers of the Dominican Republic presents its greetings to the delegations present at this 85th Session of the International Labour Conference, which is taking place at a time of great changes and important challenges in our world, and also of opportunities for this Organization.

We we would like to express our warmest congratulations to the Director-General of the ILO, Mr. Michel Hansenne, for the excellent work carried out during the past year and for the decision to select standard setting and globalization as the theme for his Report this year.

Major changes have occurred in the world since the great economic powers agreed to live in a world of peace, where the battles are fought at the commercial, economic and technical levels, with interdependent capital and labour markets.

Development, democracy and respect for human rights have become the driving force of human action. Today more than ever, these concepts are interwoven, even more so since the Singapore Meeting and the Copenhagen Summit, when the ILO's role in promoting respect for its Conventions was acknowledged. We consider it a great step forward that the participants in both meetings recognized the ILO as the appropriate body to deal with social questions at the world level.

In the Dominican Republic we are striving to perfect our democracy by encouraging our citizens to become more involved and by ensuring respect for basic human rights. We are making tremendous efforts with a view to integrating our economy in the global context, to ensure that it is both competitive and can support extensive human changes.

We believe that the ILO continues to be an ideal instrument to pioneer change and bring about social justice without disorder or violence. But we also believe that the time has come for this Organization to strengthen its new role and to become a true creator of human liberty. We would like its standard-setting activities to be studied in detail, as many of its standards no longer match the new realities of a world whose economy is undergoing globalization.

The power of private initiative requires a fresh boost, which only a revision of the ILO's standards can provide. "Certification" of observance of labour rights, or a "global social label" would only place obstacles in the way of global development, as it would reduce the independence of our constituents' action and make trade, investment, technological change, capital markets and human resources dependent on arbitrary factors. This would not be compatible with our approach on the eve of the third millennium.

This Conference, with its theme of standard setting, may itself be considered a standard-setting event, and this should prompt us to seek new ways and mechanisms to ensure that our work finds its place in the international community.

In essence, we must strengthen the ILO's supervisory mechanisms for the fundamental Conventions while at the same time adapting the Organization to new challenges and opportunities which its constituents now face.

We believe that a balance between economic development and social welfare must be dynamic, and can only be possible if the relatively less developed countries succeed in obtaining international cooperation, as well as the cooperation of the capital markets. It will only be possible if they receive the necessary investment, with which to increase productive employment and generate wealth for their population.

We subscribe to the proposals made by the Director-General of the ILO with regard to an overall mechanism to assess the Conventions and Recommendations. We would like to reiterate our support for tripartism, which we see as an appropriate vehicle for achieving a consensus between the various social players, including the members of civil society.

We urge the ILO and the Director-General to take specific measures so that existing standards can be revised and adjusted to the phenomenon of globalization. We firmly support the liberalization of international trade concurrent with an improvement in our democratic systems and respect for fundamental and inalienable human rights, with a view to achieving peace, development and fulfilment for all of humanity.

Original Nepalese: Mr. NEUPANE *(Minister of Labour, Nepal)* — At the outset, let me on behalf of the Nepalese delegation extend our warmest congratulations to you Madam President on your unanimous election to the high office of the President of the 85th Session of the International Labour Conference. It is indeed a great pleasure for me to be amongst you in this beautiful city of Geneva and have this opportunity to address this important Conference.

We attach great importance to the Reports of the Chairperson of the Governing Body and of the Director-General. These Reports have covered the major issues emerging in the context of an ever- changing world. The Report has also clarified the ILO's position on social justice, poverty and the welfare of the working masses, for which my delegation would like to extend its sincere thanks. However, our attention has also been drawn to those aspects of the Report that are well beyond our ability to implement.

We attach great importance to the role of the ILO in standard setting and the promotion of labour standards. We fully reaffirm our commitment to observe internationally recognized core labour standards. However, labour standards should be seen only as an integral part of social progress. Attempts to link labour standards with trade and social labelling seen with a one-sided perspective naturally concern us greatly. The prevailing socio-economic situation in our country does not allow us to accept such conditionalities. In this context we share the concern expressed by many delegations of the developing world in this Conference.

Nepal is one of the least developed countries of the world as well as being land-locked, and is striving to accelerate the pace of socio-economic development under the multi-party system of the Government adopted since 1990. As a non-aligned country committed to non-interference we upheld the Charter of the United Nations as our guiding principle. We are making sincere efforts to implement the principles and plan of action adopted by the World Summit for Social Development held in Copenhagen in 1995.

In the context of increasing globalization, Nepal cannot remain indifferent to this issue. However, liberalization, globalization and the market-oriented economy should be adopted in favour of the working community to the maximum possible in order to achieve sustainable progress.

In order to supplement our national objectives, the Ministry of Labour has, over the years, been laying down considerable emphasis on issues of employment promotion, particularly for the underprivileged and economically backward communities and the rural poor, through providing requisite skills to such a population to prepare them to find jobs in the labour market.

In our socio-economic context, problems of child labour and bonded labour are the sad realities and the reflection of existing acute poverty, exploitative socio-economic relations and to some extent the feudalistic social conservatism. In our view, progressive elimination of child labour is to be given top priority. This does not however mean a passive policy with a feeling that it would take a very long time, or an abrupt elimination with extreme measures like boycott of third-world export items, blamed on the use of child labour. With regard to liberation of bonded labour, the determined efforts of Kamaiyas (the bonded agro-labourers) themselves are the most important prerequisites. However, the State should encourage them to start organized efforts and should protect their basic human rights. In this connection the MOL has already established a child-development and welfare fund, and various efforts are carried out in association with social partners and NGOs under the cooperation of ILO/IPEC. Similarly, HMG Nepal is making efforts to liberate Kamaiyas from bonded conditions and to make them enter the labour market and have fixed minimum wages.

The greatest challenge faced by the social partners engaged in social development is to reform labour and social policies in such a manner that promotes productivity, fair wages and full employment while ensuring a fair distribution of national wealth in this society.

As my country is primarily agricultural, with more than 81 per cent of the workforce involved in rural agriculture, we highly recognize the significance of the Conventions on rural and agricultural workers. We are thinking about empowering the rural workers' organizations. It is to be noted that remaining tripartite constituents in our country are also asking for the ratification of ILO Conventions on rural and agricultural workers. In this connection my delegation is pleased to reveal here that HMG Nepal has already ratified some of the ILO Conventions and some are in the process of ratification, including the Conventions on rural and agricultural workers.

The theme of general conditions to stimulate job creation in small and medium-sized enterprises assumes profound significance. Such enterprises have been regarded as a major instrument for redressing the issues of employment and poverty alleviation. We are fully aware that sustainable progress and growth is dependent on how well such enterprises respond to the needs of the economy. Hence we strongly opine that these enterprises need to be reoriented with new attitudes and a new outlook to enable them to play a key role in enhancing national productivity, economic efficiency and job creation while ensuring general working conditions to meet challenges in a globalized economy.

My delegation feels that the issue of contract labour has assumed strategic importance in the field of labour relations. It is really an urgent need to emphasize the sufferings of casual workers as an outcome of the present mode of globalization. In our opinion contract workers need to be protected and should be covered by the comprehensive social security network.

With regard to the amendments to the Conventions of the ILO, we feel that the time has come to review a number of these Conventions. Such instruments need to be abrogated according to the needs of the changing world situation.

To conclude, my delegation would like to reiterate that the least developed as well as land-locked countries, such as Nepal, need closer attention of international agencies and developed countries to accelerate the pace of development and socio-economic welfare. We would also like to urge here as in the preceding sessions to upgrade the office of the senior ILO Adviser in Kathmandu with increased resources and activities to meet the growing needs of the country in the labour-related field. With a firm conviction that fruitful and pragmatic resolutions will emerge from the deliberations of this Conference, I wish this session a grand success.

Original Spanish: Mr. BONILLA GARCIA *(Minister of Labour and Social Welfare, Mexico)* — Allow me to congratulate the President most cordially on her election. The Report of the Director-General presents a topic which the Government of Mexico considers to be of utmost importance: concern about how the ILO should shoulder its responsibilities faced with the challenges of our times.

Mexico subscribes to the fundamental principles set out in the Report: freedom of association and collective bargaining, prohibition of forced labour, equal remuneration, non-discrimination and minimum age. These are principles which the Mexican Constitution has enshrined since 1917, whose spirit, just as that of the ILO Constitution, is based on the conviction that nations must adopt labour systems based on justice and equity.

The ILO has a host of ways to promote the objectives of social justice. In keeping with the solemn obligation to encourage programmes which allow for the economic progress of its Members, as contained in the Declaration of Philadelphia, the ILO must pay equal attention to standard setting and to other methods related to cooperation. In this way it will be able to exert an influence in areas where otherwise it would be unlikely to find the values contained in its standards.

We must support a new initiative, through the competent bodies of the Organization, to bring about a transformation of the social and economic realities of all countries. Employment promotion as a means of increasing living standards, the development of vocational training, the improvement of the quality and scope of education, the identification of the factors which restrict employment creation and the development of comparable information, provide, inter alia, a formidable set of tasks for the Organization and its member States.

Changing this reality is essential for the ratification of Conventions, since ratification not only expresses political will but a real and effective possibility of observance. The Declaration of Philadelphia also includes this specific point, specifying that the procedures for application have to take into account the degree of social and economic development of each people.

If we, the Members, were to subscribe to the idea of a mechanism through which the ILO would "certify" the observance of Conventions — even ones that have not been ratified — as well as progress in favour of social justice in each country, we would be ignoring our different national realities. We would be denying the freedom of each Member to determine its obligations in a sovereign manner and we would be giving up the inherent right of the citizens themselves to judge and assess the progress achieved in their own countries. To require that standards be observed which have not been approved by the competent bodies of the States is therefore a dangerous initiative.

The supervisory tasks proposed would bypass the practices established by the Organization and could even be detrimental to the legal framework of the member countries.

In his message to the Conference on 3 June 1997 the Director-General pointed out the importance of not examining an initiative such as that of a social label with haste and instead viewing it as a long-term matter for reflection for which he proposes a possible way of proceeding and not a ready-made solution. Indeed, because of its importance and potential impact it would be necessary to examine with the utmost objectivity its appropriateness, and its possible content and associated processes. We must avoid the risk that, starting from the lofty labour and human objectives to which it aspires, it could in practice become a major source of restriction to trade, and at the beginning of an era, if not of persecution, then of confrontation and exclusion, instead of being a time of collaboration for progress and cooperation for development.

As regards the regrouping of standards, we agree with the Director-General on the appropriateness of drawing up a list which avoids dispersion and which would serve as a guide to facilitate the identification and implementation of these Conventions which, following the proposed new examination, were considered relevant.

Lastly, I would like to stress that the labour conditions of a country are determined by its historical, political, economic, cultural and social circumstances. The opening up of trade is only part of the whole. It is recommended that the ILO maintain an overall view so that one specific element does not determine the direction its activities take.

Original Arabic: The PRESIDENT (Mr. KHALIL) — The list of speakers on the reports of the Chairperson of the Governing Body and of the Director-General is now closed.

FIRST REPORT OF THE FINANCE COMMITTEE OF GOVERNMENT REPRESENTATIVES: SUBMISSION, DISCUSSION AND ADOPTION

Original Arabic: The **PRESIDENT** (Mr. **KHALIL**) — We shall now proceed to the first report of the Finance Committee of Government Representatives (*Provisional Record* No. 13). I give the floor to Mr. Etiang, Minister of Labour and Social Welfare, Uganda, and Chairperson and Reporter of the Finance Committee of Government Representatives, who will present the report.

Mr. **ETIANG** *(Minister of Labour and Social Welfare, Uganda; Chairperson and Reporter of the Finance Committee of Government Representatives)* — I have the honour to submit to the Conference the first report of the Finance Committee of Government Representatives. This report is circulated as *Provisional Record* No. 13 and contains four resolutions authorizing Cape Verde, Paraguay, Dominican Republic and Djibouti to vote.

The Finance Committee considered the requests received from the Governments of the four countries and was satisfied that the failure to pay their contributions had been due to conditions beyond the control of the Members and that adequate measures were proposed for settlement of the arrears.

The Finance Committee adopted four resolutions which propose that, in conformity with paragraph 4 of article 13 of the ILO Constitution, Cape Verde, Paraguay, Dominican Republic and Djibouti should be given authorization to vote. The texts of the resolutions are contained in the appendix to the report.

You will recall that yesterday the Conference approved an amendment to article 32 of the Standing Orders. With the adoption of that amendment Paraguay has regained its right to vote. It will therefore now only be necessary to consider the resolutions in respect of Cape Verde, Dominican Republic and Djibouti.

Original Arabic: The **PRESIDENT** (Mr. **KHALIL**) — I thank Mr. Etiang for submitting his report. We shall now move on to the discussion of the report. If no one wishes to take the floor, we shall proceed to the adoption of the body of the report, i.e. paragraphs 1 to 38. May I take it that paragraphs 1 to 38 are adopted?

(The report is adopted — paragraphs 1 to 38.)

May I take it that the resolution concerning the arrears of contributions of Cape Verde is adopted?

(The resolution is adopted.)

May I take it that the resolution concerning the arrears of contributions of the Dominican Republic is adopted?

(The resolution is adopted.)

May I take it that the resolution concerning the arrears of contributions of Djibouti is adopted?

(The resolution is adopted.)

May I take it that the report as a whole is adopted?

(The report as a whole is adopted.)

RECORD VOTE ON THE RESOLUTION CONCERNING THE ARREARS OF CONTRIBUTIONS OF CAPE VERDE

Original Arabic: The **PRESIDENT** (Mr. **KHALIL**) — We shall now take a record vote on the arrears of contributions of Cape Verde. I would remind you that the Conference may, by a two-thirds majority of the votes cast by the delegates present, permit a member State in arrears to vote if it is satisfied that failure to pay is due to conditions beyond the control of the Member.

(A record vote is taken.)

The vote shows that we do not have a quorum at this stage. We shall therefore postpone any further voting until later.

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original Arabic: The PRESIDENT (Mr. KHALIL) — We shall now resume our discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Ms. FITZGERALD *(Minister for Labour Affairs, Ireland)* — The process of globalization has opened up many exciting possibilities but it has also generated many fears about the possible impact on employment and working conditions. It is clear that the underlying issues could be very divisive and, if they are not dealt with in a way which commands widespread agreement and respect, could have a considerable negative impact.

Accordingly, the international community faces a major challenge. It is a measure of the respect which is accorded to this Organization that in Singapore the World Trade Organization turned to the ILO to meet the challenge. The Conference provides a major opportunity to make progress in the debate on globalization and social progress which has been under way for some time, and while this is an urgent and important debate, it is extremely important that we all listen to one another. No course of action has any prospect of success unless it commands widespread support. It will fail if it is seen to unfairly favour some economic interests over others. Above all there must be tolerance and mutual understanding, a preparedness to listen to each other if this job is to be successfully completed. It is crucial for member States to see that we all have a shared interest in seeing that the potential of globalization for economic progress and social development is fully realized and this will not happen unless we can establish a broad consensus.

I now turn to the Director-General's Report which provides us with a very thought-provoking and comprehensive analysis. A number of points stand out.

Firstly, it is clear that while the ILO Constitution does not rank the different standards in order of priority, there is broad agreement on what constitutes core labour standards and I think the more targeted approach suggested by the Director-General is important if we are to achieve what we set out to achieve.

Secondly, there is the question of what means need to be adopted to make progress on this issue. The possibilities are either to develop new instruments, amend the ILO Constitution, or proceed within the existing Constitution. We believe that proceeding within the existing Constitution is more likely to command widespread support and establish the consensus we require.

Finally, it is important to recognize that different countries are at different levels of development, and in establishing core standards it is important to distinguish in an objective way between countries which have not reached those standards because of a level of underdevelopment and countries which have chosen not to make any serious attempt on those standards.

I was very much struck yesterday at a meeting between the European and Asian countries at what the Indian delegate said. He reminded us that nobody is more concerned about low labour standards than the people of the country concerned. It is not a question of the world community from the outside having a concern, those concerns are most deeply felt among the people of the country concerned.

In helping, in a very positive way, countries which are underdeveloped to meet the core labour standards, it is important that we look at the amount of time it takes to make progress. In the European Community, in terms of the project on economic and monetary union, the Maastricht Treaty lays out particular standards, but it also recognizes as valid, countries which are making a serious effort to meet the standards. In other words, it is not the absolute achievement of the target but the fact that there is steady, substantial and serious progress on the way to reaching those standards by a target timetable, and I think that this approach is also one we could adopt in the achievement of labour standards across the world.

Finally, as the Director-General has noted in his Report, discussion of this issue in the past has often degenerated into mutual accusations of social dumping and protectionism. It is important that we have a more productive debate. In particular, I think it is important to recognize that high social standards are not associated with a loss of competitiveness. That would be an entirely false understanding or basis for the debate. High social standards are not incompatible with competitiveness and, indeed, they enhance competitiveness. The role of social protection systems in facilitating adaptation to technological change has often been noted. The role of social partnership and recognition of collective bargaining in ensuring progress has been noted and when one considers the problem of child labour, which was the theme of last year's Conference, it is clear that any country which tolerates child labour and fails to ensure that its children are properly educated, is condemning itself to permanent underdevelopment. Accordingly, it is important that a comprehensive understanding of the complex relationship between economic and social progress underpins the debate.

In conclusion, I want to say that I think we must all listen to one another and I think a very important task has been assigned to the ILO. The future of this Organization, the esteem in which it is held, will depend on how successfully we manage that challenge, in partnership, in solidarity and in understanding with each other.

(Ms. Keltošová takes the Chair.)

Original Arabic: Mr. AL-KULAIB *(Minister of Social Affairs and Labour, Kuwait)* — In the Name of Allah, the Merciful, the Compassionate! I have the honour to congratulate you, Madam President and your Vice-Presidents, on your election to the presidency of this Conference. I hope that our discussions will be fruitful and positive and help to foster peace and justice in the world.

I wish to thank the Director-General for his Report on standard setting and globalization. And after reading the Report and the various suggestions for increasing the effectiveness of international standards, I wish to share a few ideas and raise a few questions.

First of all, the ILO has done a very good job in adopting over 300 Conventions and Recommendations, which are the backbone of international labour legislation, as regards freedom of association, non-discrimination, human rights, occupational safety and health, the regulation of employment and working conditions, etc.

Secondly, international labour standards have had an impact on the national legislation of member States and have thus contributed to promoting conditions of work and equality of opportunity for millions of workers. Studies have shown that the supervisory and follow-up machinery, together with a growing national awareness, has been conducive to an improvement in national employment practices. As Wilfred Jenks once said, in less than half a century the ILO has created an encyclopaedia of social justice that has had a real impact on social legislation in a number of member States.

Third, the recent drop in the number of ratifications in recent years should not discourage the Organization from continuing setting standards and making them more relevant. The drop in ratifications is only to be expected, as the Organization has adopted a considerable number of instruments in the past few years.

Fourth, the globalization of the economy and its possible effect on future standard-setting activities, the growing inequality of earnings and the varying levels of protection are other suitable areas for standard setting. The ILO should continue guaranteeing respect for fundamental rights by all the partners in the multilateral trade system, by means of programmes conducive to full employment, social security, equal remuneration, freedom of association, non-discrimination and improved standards of living and with a view to the attainment of social justice.

Fifth, we agree that instruments should be better targeted, more in line with latest developments and more conscientiously applied. We also agree with the report about the intrinsic suitability of standards, which should benefit as many workers as possible (especially the most vulnerable workers), about the value added of the proposed instruments and about the need to revise and reassess them from time to time. In his 1964 Report, the Director-General, speaking about the content of standards, said that they should confine themselves to a number of essential points without too many mandatory clauses and superficial detail.

Sixth, we feel that the existing supervisory and follow-up machinery provided for in the Constitution is sufficient to achieve the ILO's objectives. Setting up new machinery would make the Conventions much less flexible and discourage member States from ratifying new instruments.

I would like to make suggestions for improving the application of standards at the national level. I believe that any new standards that are adopted should correspond to reality. Above all, the wording should be flexible enough to give national legislatures a certain leeway. One form of flexibility is to allow the partial ratification of certain provisions. The ILO must continue to provide its Members with technical assistance to help them overcome their difficulties, prepare the required reports and amend their legislation. It must also help them consolidate their labour inspection services so that they can do their job properly and implement the provisions of the Conventions effectively.

Kuwait has reached a balance between the protection of the middle classes and of the least privileged segments of the population by catering to the needs of families. There is hardly any taxation; income tax is no more than 1.5 per cent compared to 22-43 per cent in some countries. We have a well-established family policy under which needy families receive benefits. The Government supports cooperatives and non-governmental organizations and provides assistance for infants, young people, old people and certain specific groups.

Before I conclude, I would like to stress how dangerous Israel's settlement policy is in the occupied Arab territories of Palestine, the Golan and southern Lebanon, where it is having a disastrous effect on the situation and living conditions of workers and thus threatening peace and stability in the region. We appeal to the parties concerned to the relevant international resolutions and agreements that have been concluded.

I am sure that, with the will of the parties present at the Conference, we can achieve the ILO's objective of a better world where prosperity and social justice reigns for millions of workers who aspire to the realization of the fundamental rights embodied in the ILO Constitution and the Declaration of Philadelphia.

Original French: Mr. OUEDRAOGO *(Government delegate, Burkina Faso)* — Madam President, distinguished delegates, it is an honour and a great pleasure for me to take the floor before this large family of the world of labour, that is the International Labour Organization.

First of all, before making any other comments; I wish to associate myself with those that have taken the floor before me in addressing, on behalf of the delegation of Burkina Faso and on my own behalf, our warm congratulations to Ms. Olga Keltošová, Minister of Labour and Social Affairs of Slovakia, and also to the other officers of the Conference on their election to head our august assembly. Their qualities and their broad range of skills, which have been seen in the way they have led such fruitful debates, reassure us as to the success of this Conference.

As to the Director-General's Report, allow me to commend it for its quality, its relevance, and the depth of analysis it.contains. Yet again the Director-General has been able to reflect the concerns of States and their social partners, and to defend the ideals of the International Labour Office in its continuous, concerted and dynamic action for the economic and social development of our various countries.

In the course of this session we are called upon to think about a subject which is important, sensitive and also topical with regard to the global economic context, in other words, *The ILO, standard setting and globalization*. We no longer need to prove how relevant this theme is at a time when our countries are confronted with the need to adapt their legal environment in general and their labour legislation, in particular, to the economic changes under way. It is thus with pride that I wish to add the modest contribution of Burkina Faso to that of other countries committed to this brainstorming, which should make it possible to propose appropriate solutions likely to improve the action of the International Labour Organization.

Burkina Faso is aware that our developing countries and other peoples in the world cannot content themselves with undergoing globalization. Globalization should be accompanied by efficient standard-setting action in order to ensure social progress and social justice that people are entitled to expect. For this reason my country endorses the major guidelines advocated in the Director-General's Report in order to orientate the action of our Organization in the years to come, as follows:

First, the ILO should ensure even greater universality of application of the International Labour Organization's standards concerning the fundamental rights as a condition for the participation of workers in the benefits of globalization.

Secondly, the ILO should improve the selection of new standards and explore further the variety and flexibility of means of action in the International Labour Organization in order to enhance the relevance and the effectiveness of those standards.

As to the former aspect, Burkina Faso is proud to be one of those countries which has ratified the relevant Conventions of the International Labour Organization concerning the fundamental rights of workers. We remain convinced that these instruments have a definite impact on economic and social development and undoubtedly contribute to the reinforcement of the democratic process under way in our country. For this reason in its national legislation Burkina Faso has given full effect to all these Conventions, particularly in its Labour Code.

As to the latter aspect my country fully endorses the idea whereby the International Labour Organization should ensure a better targeting of its standards in the future, ensuring that they better reflect real needs in order to exercise a real impact. This approach should make it possible to take better account of the particularities and real needs of developing countries.

Requiring of all countries, without distinction, the observance of fundamental labour rights is no doubt a necessary precondition in order to enable all workers to benefit from globalization, and the ratification by Burkina Faso of essential Conventions on this subject bears witness to the adherence of Burkina Faso to these fundamental values.

Nevertheless, please allow me to express several concerns in this connection. Indeed, it is to be feared that introducing a social conditionality into economic and trade relations may penalize developing countries, more especially African countries, if not accompanied by appropriate measures in order to assist developing countries to develop strong, competitive economies. How can our countries ensure the optimum application of labour standards, if at the same time they are required to lower the level of social protection in order to be attractive to foreign capital? The rules and logic which prevail in the current economic order do not favour social progress in developing countries. The growing marginalization of Africa, the burden of indebtedness, unemployment and poverty are the principal factors which make it difficult for standards in favour of social progress to be respected. It is thus both urgent and necessary to act upon these causes so as to help our countries along this path.

In this connection the International Labour Organization should continue with and intensify its action in order to help member countries to develop. For this reason Burkina Faso welcomes the specific measures described in the Report submitted to us. Their adoption and implementation will no doubt contribute to strengthening the action of our Organization, the need for which and the irreplaceable role of which seem even more striking today. May the discussions under way at this session provide a fresh impetus to the International Labour Organization so that in the years to come it can make an ever greater contribution to the cause of social justice, progress and peace.

Original Chinese: Mr. LI *(Workers' delegate, China)* — First of all please allow me to express my sincere congratulations to the President on her election to the presidency of this session of the Conference. My congratulations also go to the two Vice-Presidents. I believe that under their guidance our session will surely achieve complete success.

Standard setting and implementation are an important means for the ILO to realize its aims and objectives of achieving lasting peace based on social justice and protect the basic rights and interests of workers worldwide. We hope that the debate of the current Conference on the theme of *The ILO, standard setting and globalization* will play a positive role in promoting even wider ratification and more effective implementation of international labour standards.

At present, amidst the growing trend towards economic globalization and regionalization, as well as international trade liberalization, the inequitable international economic order has aggravated South-North contradictions. Unemployment and poverty have become the most outstanding issues in today's world, with hundreds of millions of working people struggling for their basic existence. In many countries trade unions are faced with severe challenges of being further weakened in their rights. In view of all this, labouring people the world over have always cherished the hope that ILO will be able to protect their vital interests in real earnest in setting and effectively monitoring the implementation of international labour standards. Despite the fact that the ILO has helped somewhat in maintaining social justice and promoting social progress through its standard-setting activities over the years, in terms of real impact it has neither succeeded in mitigating the severity of the problems of unemployment and poverty, nor has it played its due role in protecting the legitimate rights and interests of the labouring people. Therefore I would like to make the following comments.

First, in the course of setting and implementing international labour standards, the ILO should take due consideration of the will and wishes of workers in countries at different stages of economic and social development, especially those of workers in the developing countries. The criterion of the international labour standards is to see whether they are conducive to protecting the vital interests of workers in various countries. The Director-General has proposed in his Report such measures as "social labelling" and a solemn "declaration" to strengthen the ILO supervisory mechanism. We cannot but feel deeply worried whether these will help to find solutions for the pressing problems faced by workers of the world and workers in the developing countries in particular. We call on the ILO to acknowledge the vast differences in the economic and social development levels in various countries. We hope the ILO will strictly follow the provisions of the Constitution and take effective measures to promote greater tripartite dialogue and cooperation based on equality.

These are the ways through which the ILO can effectively promote the ratification and practical implementation of international labour standards, thus giving full play to the role of those standards in safeguarding the rights and interests of the workers.

Secondly, the ILO has been the competent body to set and supervise the implementation of international labour standards, but it has long been faced with dissatisfaction with the ratification and implementation of these standards. This is a fact which calls on us to question ourselves in the discussion about how to strengthen the ILO's supervisory mechanisms. We believe that, in standard-setting activities, the ILO should ensure the full involvement of its constituents, and more importantly, the effective participation of the developing Members, so that the Conventions adopted can meet the diversity of the present world. This is also the prerequisite for the ratification of international labour standards. We stand for the strengthening and improvement of the ILO supervisory mechanisms, but we are opposed to any abuse of them. The principle of impartiality should be deeply rooted in the supervisory activities so as to prevent the use of the international labour standards by protectionism as a pretext to undermine the vital interests of the workers in various countries, especially in the developing countries. To this end, all the ILO decision-making bodies should be universally represented. Only by so doing will it be possible to realize the renewal of the ILO's standard-setting activities as expected by the Director-General, and only by so doing will it be possible for the ILO to accomplish the historical mission entrusted to it by the Copenhagen Social Summit.

Chinese trade unions have always actively participated in government activities in ratifying and implementing international labour standards, by conducting a large amount of investigation, research and publicity work. We have edited and published all the ILO Conventions and Recommendations as part of our consistent efforts for the ratification and implementation of labour standards. With the active efforts of the Chinese trade unions, the Government of China has drawn on the useful experience of international legislation in its drafting and formulation of labour law and more than 260 regulations and rules which have a direct bearing on the vital interests of workers, thus providing a reliable legal framework to safeguard the legitimate rights and interests of the workers under the conditions of a socialist market economy.

The Chinese trade unions will, as always, stand ready to strengthen cooperation with the ILO and other trade unions in other countries so as to make joint efforts for the further promotion of the ILO standard-setting and supervisory activities, and to ensure that the ILO is in a better position to face the challenges of the next century.

Original French: Mr. THYS *(representative of the World Confederation of Labour)* — The World Confederation of Labour believes that globalization is not in itself necessarily a bad thing. While it is, of course, a new phenomenon for humanity, it can also be seen as an opportunity, beckoning us to live better and more closely together.

However, it may also encompass very different realities, and those which we are experiencing today will certainly not lead to a greater degree of well-being for tomorrow. But that is what too many speeches have attempted to make us believe. The World Confederation of Labour feels that too many people involved in the decision-making process in all fields submit to an ideology which, under the cover of economic laws, is imposed by the power of money and the profit motive. We in the WCL are not, of course, calling into question free trade, individual creativity and economic growth. But we do challenge the disruption to society which comes with linking the concept of capitalist, mercantile and financial organization to it. The sum of the profits made by the few, be they enterprises, companies or individuals, will never improve conditions for all. On the contrary, we see today increasing poverty in the populations in the developing countries, as well as high levels of unemployment and very clear social regression in the industrialized countries.

Things must change, and urgently. From this point of view the Report of the Director-General is not without interest. Indeed, while it does not differ explicitly with the ideology I have just denounced, it implicitly calls it into question, for example, when it argues in some of its proposals for a strengthening of the impact of standards and the promotion of social policies.

Indeed, the member States must act in a manner which is consistent with the statements and commitments they have made in relation to social justice and full employment at major international meetings such as the Copenhagen Summit. Their willingness to ensure respect for the standards of the International Labour Organization is the real test. But what is the situation in fact?

The WCL agrees with Mr. Hansenne's idea of a solemn declaration, which should be considered part of the Constitution and should bring member States, by virtue of their very membership in this Organization, to respect and ensure respect for fundamental rights. Without, of course, calling into question the existing procedures, an additional system to handle complaints should be introduced as soon as possible for the fundamental rights.

The WCL, of course, understands clearly that this in no way diminishes the importance of the need to promote all the standards of the ILO, and specifically those relating to occupational health and safety or social security.

The WCL does not support the idea mentioned in the Report of "taking a break" from standard setting, nor that which calls for particular encouragement and promotion of Recommendations at the expense of the Conventions. On the other hand, it is not opposed to the introduction of a new procedure for the selection of standards with a view to ensuring that they are operational and implemented as best possible.

Finally, the WCL supports the idea of a social label. But our organization would like to draw attention to the fact that such a label or labels should take into consideration production conditions for both the domestic market and the export market, and should not be restricted solely to certifying respect for the fundamental rights.

Those countries which respect and promote these rights must be encouraged but so should those which have made real efforts to distribute fairly the costs and benefits of development, as well as those which support the efforts of democratic social organizations.

The WCL's support for the social label does not close the door, however, on the so-called "social clause". On the contrary, the WCL feels that they are complementary to each other, as both tend to promote the development of fair and effective international legislation, as long as they are designed and supervised in a multilateral way, and thus leave no room for protectionism.

I would like to conclude by making an appeal to the Governing Body, the Director-General and all those who have responsibilities in the ILO. I would ask them to take all initiatives within their power and in their fields of competence to convince international bodies, be they commercial, economic or financial, and politicians and decision-makers at all levels, as well as all those who have an influence on the decision-making process, to encourage them to ensure universal implementation of all the international labour standards. I would also call on them to continue the work for the promotion of the fundamental standards, including those relating to child labour, which is going to be, of course, the theme of the next session of the Conference.

Original Portuguese: Ms. FERNANDES RODRIGUES *(Minister of Vocational Training and Employment, Portugal)* — Madam President, first of all I would like to congratulate you on your election and express the wish that this session of the International Labour Conference will contribute to economic and social development through the creation of employment and the improvement of standards of living and work, so as to attenuate some of the most pressing current social problems.

Governments, the social partners and the ILO regional offices in the framework of their respective domains, work towards the creation of productive and free employment so as to improve in a balanced fashion the living and working conditions of peoples. The Report of the Director-General proposes an in-depth reflection on the need to and the means of guaranteeing the fundamental rights of workers in all the member States. These fundamental rights relating to freedom of association and the right to collective bargaining, non-discrimination, the prohibition of forced labour and the exploitation of child labour, spring from and find their foundations in the freedom and equality of all people, which are an integral part of the universal values which any constitutional State of law must recognize and guarantee.

The definition of the fundamental rights applicable to all the member States of the ILO thus finds its justification independently of the social repercussions of the liberalization of international trade. The debate on the social dimension of the liberalization of international trade has made it more obvious that we need to define the fundamental rights of workers. The Portuguese Government endorses the definition of the fundamental rights of workers which States must observe and enforce as a result of the simple fact that they are Members of the ILO. The sovereign will of States will continue to be respected and for this reason they will be free to subject themselves to the fundamental rights, but they express the desire to accept them when they become Members of the ILO.

The liberalization of international trade creates conditions for the economic growth of all countries, which must ensure the social development of their populations to the extent that economic growth permits. The reinforcement of social justice will contribute to the integration of national and regional economies, will promote peace throughout the world and will be the most effective guarantee for the failure of the protectionist concepts advocated by some.

The ILO must adhere to the Singapore Declaration approved during the Ministerial Conference of the World Trade Organization, particularly the part which excludes the use of labour standards for protectionist aims and which recognizes that low wages in developing countries are a legitimate comparative advantage in world trade. However, developing countries must not demand that the social rights of workers be levelled down with the aim of safeguarding comparative advantages. On the contrary, these countries must accept the development of freedom of association and collective bargaining and through them the improvement of the social rights which enable workers to benefit from the economic growth created by international trade.

As the Director-General acknowledges in his Report, a definition of the fundamental rights of workers must have an adequate monitoring system. This surveillance could be organized on the basis of two elements which are already part and parcel of the ILO's usual instruments. First of all, the submission of periodic reports on national and legislation practice in relation to fundamental principles. Secondly, a procedure to assess the representations concerning specific cases, identical to that used in connection with freedom of association. The assessment of these cases would make it possible to create a set of judicial precedents relating to the content of the fundamental principles, very useful for the preparation of legislation and for decisions of national courts on fundamental rights.

It is essential to define and apply sound policies to confront unemployment, the social scourge which neglects precious human resources, involves considerable financial resources for social protection, creates the insecurity for families and has a detrimental effect on social cohesion. State policies and the role of the social partners and international cooperation in stimulating employment creation in small and medium-sized enterprises, are topics for discussion at the Conference, and we would like to stress their importance. This is why we wish to have strengthened cooperation to be able to implement measures, and enable the ILO to play a role on the world stage.

Mr. HERMINIE *(Minister for Employment and Social Affairs, Seychelles)* — It is a great honour for me to address this 85th Session of the International Labour Conference and add the contribution of the Republic of Seychelles to the high level debate of this august assembly.

The main discussion this year is on the issue of standard setting, one of the oldest and most important functions of our Organization. This fundamental activity aims to contribute to the Organization's overall goal of ensuring that each member State has a multi-skilled, versatile, satisfied and motivated labour force, operating in a safe and healthy working environment with good working conditions, sound industrial relations practices, and meaningful participation in the process of development of their home countries.

Today, the ILO's mandate has been extended, by the World Summit on Social Development of Copenhagen, to cover the social dimension of the liberalization of world trade. This development has turned the limelight on the ILO, not only to ensure human rights and social justice to all workers in all of its constituent countries, but also to mediate and facilitate the implementation of such values in the context of new realities, characterized by radical and profound changes in the world economy. These changes present major challenges to all countries in both the economic and social spheres. This new and complex phenomenon of globalization, illustrated especially in the increased flow of goods, services and resources across national boundaries, is breaking down all traditional barriers and is permeating and meandering through all national economic structures. It is also turning the world into a small and accessible global village, even into a global village market.

As globalization gathers momentum, we must ensure that it takes on a human face. In realizing this, we find guidance in one of the fundamental principles of our Organization in the Declaration of Philadelphia, which states and I quote "lasting peace can be established only if based on social justice. All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity".

If we ignore this principle, we run the risk of creating a world of inequality and injustice, where the rule of the jungle becomes the norm of the day.

Indeed, globalization, if left to the rules of spontaneity, poses itself as a threat and may create serious repercussions in national economies which, in turn, may lead to a catastrophic impact on human rights and social justice in general.

However, I firmly believe that the process of globalization, when viewed from a developmental perspective is not *only* a challenge but also, and more importantly, an opportunity for all countries to optimize the utilization of their resources for sustained economic growth in the best interest of their peoples.

Against this background, the guiding principles, instruments, standard-setting and evaluation mechanisms have proven, and I am sure will continue, to be invaluable in the promotion of the kind of economic development that respects social justice.

In the wake of new realities, the ILO and its standard setting must become dynamic, proactive and responsive to the demands of this fast developing world. It is for this reason that I would like to extend my support to the Director-General when he calls for a more systematic and selective process for the re-examination of standards, and indeed, for the introduction of any new ones. The constitutional amendment before the Conference to abrogate Conventions it considers obsolete is a step in the right direction.

If we are to reap the maximum benefit from the challenges and opportunities offered by globalization, it is incumbent on governments to ensure good governance and adopt rational economic policies and strategies which place people at the centre of development. In Seychelles, we have, as much as possible, taken advantage of such an opportunity by consolidating the existing economic mainstay and exploring new avenues of development. We are actively promoting small and medium-sized enterprises, which today, are recognized as a locomotive for job creation, and Seychelles is being turned into an international business centre. Both measures are an integral part of our new economic strategy.

In our effort to make optimum use of the window of opportunities offered by globalization, our social protection programmes remain at the core of our national development plans and these programmes are being modernized, rendered more effective and responsive to new realities.

Finally, there are unfounded fears that the application of core, fundamental and other vital standards might negatively influence the competitive positioning of countries in the context of globalization and international trade. In fact, it is being proven that their application will, in the long term, strengthen the economic performance of these countries and allow workers to claim their fair share of economic progress generated as a result of globalization.

It is therefore our duty as members of the ILO to intensify our activities in the field of standard setting, and it is equally important for us to have a vision of development which turns every challenge into an opportunity for economic growth and prosperity for our peoples.

Our Organization has a primordial role to play in enabling member States to forge ahead in the next millennium and successfully undertake the tasks that await us. All our efforts must be geared to achieving these noble objectives. I am convinced that together we can make it.

Original French: Mr. MUTERAGIRANWA *(Minister of Labour, Craft Industries and Vocational Training, Burundi)* — On behalf of the delegation of the Republic of Burundi to the 85th Session of the International Labour Conference, allow me to associate myself with those speakers who have taken the floor to address my warm congratulations to the President of the Conference, Mrs. Keltošová, Labour Minister of Slovakia, and also to the Officers of the Conference for their brilliant election to head the work of this session.

I also take this opportunity to express to the Director-General of the International Labour Office, Mr. Michel Hansenne, and to all his assistants, how pleased the delegation of Burundi is with the quality and relevance of the background documents submitted for the analysis of delegates, and for the excellent organization of the work of this session.

The Director-General's Report entitled *The ILO, standard setting and globalization* provides a relevant analysis concluding with the advisability of adapting the International Labour Code to the multi-faceted requirements of our time marked by very deep changes in the field of labour. These changes are basically linked to the globalization of the economy with the strengthening of trade liberalization, structural adjustment programmes, and the democratization of political and institutional systems. It is up to the member States of our Organization to determine the role which the ILO should play so that the populations of the various regions of our planet can derive the greatest benefits from the positive effects of those changes. However, for that purpose, we must also endow our Organization with mechanisms which enable it to play its role to the hilt.

The 85th Session of the International Labour Conference is taking place at a time when my country, Burundi, is still confronted with the effects of a socio-political crisis which has lasted for more than four years. The consequences of this crisis are highly significant both at the human and material levels. More than 150,000 lives, including those of many active or potential workers, have already been lost by the fratricidal war which has affected Burundi since October 1993.

Deterioration in the country's productive mechanism following the destruction of economic infrastructure has had a considerable negative impact on the living conditions of the population, at large, and of workers, in particular.

Since October 1993 Burundi has been caught in a downward spiral of political and ethnic violence which, over time, may very well cause its total disintegration. Given this disastrous prospect, the political change which took place at the State Summit on 25 July 1996 set as its ultimate objective the saving of the Burundi nation from its state of political, social and security despair.

Unfortunately, the reasons for that change were not immediately understood in all quarters. Some persons even regarded it as a blow to democracy. In view of this misunderstanding, the countries of the Great Lakes subregion decided to impose an embargo on Burundi following the Second Arusha Regional Summit on Burundi in Tanzania on 31 July 1996.

Hence, the misinterpretation of the facts led to a very important decision, the consequences of which deepened the tragedy with which the Burundi people had been faced for more than three years.

Indeed, the period of embargo which lasted between July 1996 and April 1997 was marked by a period of deprivation and suffering for the Burundi people, affecting in particular the most vulnerable sectors of the population already severely tested by three years of warfare.

That embargo severely hit the social actors in the field of labour including employers and workers. As a corollary, there was a significant reduction in the operation of enterprises — to the point of closure in some cases — and loss of employment, depriving workers of the means of subsistence for themselves and their families.

The efforts made by the Government of Burundi for a return to peace and security for all the people of Burundi, particularly through the initiation of a dialogue with the principle faction in the army, the National Council for the Defence of Democracy under the auspices of the Community of Saint'Egidio in Rome, gradually showed the international community, in general, and the countries of the Great Lakes subregion, in particular, that the Government was acting in good faith following the political change over which took place on 25 July 1996.

We welcome the decision of the heads of State of the subregion of the Great Lakes at the Arusha Summit held on 16 April 1997 which made the wise and realistic decision to reduce the embargo in order to ease the suffering of the Burundi people.

We reaffirm the commitment of the Government of Burundi to continue to work for true and lasting peace for all the people of Burundi. From this podium we launch an appeal to the international community, in general, and to the neighbouring countries of Burundi, in particular, for their full support in the implementation of the programme for lasting peace to which all Burundi aspires.

We should like to bring to the attention of the distinguished delegates at the 85th Session of the International Labour Conference that one of the long-awaited forms of support is the complete lifting of the embargo.

The promotion of employment and international labour standards is an ongoing concern of our Organization. This requires the prior establishment of political stability and security for all citizens in our States. In other words, employment security and the application of international labour standards depend first and foremost on security per se. We therefore appeal to the entire international community to foster, in all regions, an environment guaranteeing the respect for the fundamental rights of the human person and, above all, the right to life.

In conclusion, we express our best wishes for the successful completion of the work of the 85th Session of the International Labour Conference in the legitimate interest of all the actors in the member States of our Organization.

Ms. JAAKONSAARI *(Minister of Labour, Finland)* — Madam President, I congratulate you warmly and welcome you to the Chair. This is a very important and challenging Conference and I hope it gives useful results. New policies, old social responsibility and joint commitments are emerging.

The international community has focused attention on the capacity of the ILO to live up to great expectations. This the ILO must rapidly respond to. The fact that the continuing increase in unemployment and the widening gap between the "haves" and the "have-nots" coincide with the globalization of the world economy and the worldwide trend towards technology-based production challenges us to face the current threats, to maximize the positive effects of globalization, to seize opportunities offered.

The positive implications of the liberalization of world trade and of the rapid development of information technology need to be identified and maximized, and we have to channel development so that the goals of full employment and eradication of poverty become a reality.

The key to sustainable development — as I see it — is the recognition that the core of the work, its employment-creating nucleus, is the capacity of creative thinking — the human resources element. This cannot flourish in conditions where the dignity of human beings is not respected. Fundamental workers' rights have to be respected universally and we must see to it that, where development brings economic welfare, a fair distribution of this welfare ensues.

I welcome the proposal to incorporate the principles of fundamental labour rights in a declaration or charter to be adopted by the International Labour Conference in the near future. There is an urgent need to renew the commitment of governments, social partners and enterprises to work together to promote productivity, competitive ability and employment, and to fight against poverty and social exclusion. In this way we could proceed to realize the commitments entered into at the Copenhagen Summit. Thus we would further social progress and social justice, the true aims of this Organization.

However, present developments reveal that recognition of the path to social justice is not enough. The ILO faces the challenge of proving that this journey is socially indispensable and economically profitable. A more focused follow-up is needed. As proposed by the Director-General, this could in a concrete way show how the observance of fundamental labour rights is universally progressing.

The evaluation of the impact and shortcomings of standards and the widening of the scope of the General Surveys are proposals that need to be examined urgently. I feel it is necessary to increase the coherence of measures and the relevance of new standard setting.

The question of social labelling is interesting but also very complex; I agree with the Director-General that there is no doubt that it deserves to be looked at in depth and with care.

The Report pays considerable attention to more targeted standards for greater impact; rightly so, because some Conventions adopted in the recent past may, by their greatly detailed texts, have impeded ratifications. The procedures of preparation and the choice of new standards need to be reformed, and I trust that the Governing Body will proceed in the work it has already embarked upon. The evaluation of standard setting will certainly be an extremely helpful tool.

In this connection, I wish to underline the importance of ILO advice and technical cooperation activities in identifying and removing obstacles to ratification and implementation.

Ms. TOLLE *(Government delegate, Kenya)* — Madam President, allow me on behalf of the Kenyan delegation to join those who have spoken before me in congratulating you on your unanimous election as President of the 85th Session of the ILO annual Conference.

My delegation is confident that, given your vast experience, you will steer our deliberations to a fruitful conclusion.

The Honourable Philip Masinde, Kenya's Minister for Labour and Manpower Development, is unable to be here today due to unforseen circumstances. He has therefore asked me to read the following statement.

The Government of Kenya notes that the main theme for this year's session of the Conference is on the topic entitled *The ILO, standard setting and globalization*. Indeed, as the Director-General clearly points out in his Report, the main task of the ILO since its inception in 1919 has been to improve the conditions of life and work through its standard-setting function. The Organization's founders felt that standards laid down through the joint efforts of governments, employers and workers would be realistic, solid and universally applicable.

We note with appreciation that over the years the ILO has built up a core of international labour standards in the form of Conventions and Recommendations relating to a whole range of issues affecting the world of work including workers' fundamental rights. Again, as the Director-General points out in his Report, it is important for the entire ILO constituency to undertake a review of the Organization's standard-setting function, with the aim of revitalizing and adapting its means of action to the changing world environment. Likewise from a standard-setting point of view, it will be necessary to pay due attention both to the need for revising and updating the existing body of standards, and also to the need to focus attention on the particular significance of workers' fundamental rights in the context of trade liberalization and the globalization of the world economy.

Generally speaking, Kenya agrees with the Director-General's proposal on the need for revising and updating the current body of standards with a view to making such standards more easily ratifiable and adaptable to the present-day needs. In this respect the Kenyan Government notes the Director-General's acknowledgement that, so far, very few ratifications of ILO standards have been registered by the various countries. This is a clear indication that most of the existing standards have not been widely ratified by as many countries as expected for a variety of very good reasons.

First of all, the Organization has produced very detailed standards which many countries, especially developing countries, have not been able to ratify since they cannot implement them. It is in this respect that Kenya would like to support the ongoing debate in the Governing Body for an urgent and thorough review and rationalization of the existing standards. Kenya also supports the view that there is a need for strengthening the relevance and efficiency of the current standard-setting machinery, by making a more judicious choice of subjects and exploiting better the variety and flexibility of the means of action provided for under the ILO Constitution.

Kenya would also like to suggest that the ILO should make every effort to discard obsolete standards, and to update existing ones with the aim of making them more flexible, adaptable and relevant to present-day needs. Kenya believes that the whole process of ratification and application of ILO standards could be greatly improved if its standards were limited to general principles on which there was broad consensus without going into details or creating unnecessary inflexibilities. Such targeted standards would ensure a greater impact upon implementation.

Let me now turn to the Director-General's views concerning some aspects of the social dimensions of the liberalization of international trade. In this respect, Kenya concurs with the Director-General's views that all workers should be able to have a fair share of the fruits of globalization and that, to be able to attain such an objective, a system of tripartite consultations should be undertaken at the national level. Consequently, Kenya endorses the view that ILO member States should be encouraged to voluntarily ratify and implement at the right time the seven core Conventions as identified both by the recent World Summit for Social Development and the Singapore Ministerial Conference of the World Trade Organization. In particular, priority areas should cover those standards in the fields of freedom of association, the right to organize and to bargain collectively, abolition of forced labour, equal treatment and non-discrimination.

In the seven decades of its existence the ILO has done a very commendable job in the promotion of social justice throughout the world. The cardinal principles which have always characterized such excellent work by the ILO over these years are its basic philosophy of voluntarism, tripartism and free choice of its social partners. At no time was there any threat to use coercive measures in order to enforce ILO labour standards including those covering workers' fundamental rights. Both the membership and ratification of ILO standards have always remained a matter of free choice by the country concerned.

It is against this background that the Kenyan Government reaffirms its total rejection of the current attempts by the ILO to establish a non-existing linkage between trade and labour. In my delegation's view, such a linkage clearly goes against the principles of free trade and would only serve as a protectionist tool at this point in time. My delegation recalls vividly that during the Uruguay Round trade talks, several attempts were made by some developed countries to introduce the so-called social clause and the same were overwhelmingly rejected. The same scenario was again repeated at the Singapore Ministerial Conference in December 1996.

We should not lose sight of the fact that the ILO membership has always remained purely voluntary and that respect for its labour standards have always depended on moral persuasion and not on the imposition of trade sanctions, since the ILO is not about sanctions. These principles must be respected during the ongoing debate to amend the ILO Constitution through the adoption of a Declaration with the aim of making it mandatory for all countries to ensure the universal guarantee of fundamental rights as a prerequisite for workers to be able to share the benefits of globalization. In our view the Director-General's proposal for the introduction of a global system of social labelling to guarantee that internationally traded goods produced under humane conditions is tantamount to introducing protectionism through the back door.

I wish to reiterate the Kenyan Government's commitment to the promotion of ILO standards as a sure way of enhancing promotion and respect of workers' basic rights in our country. In this respect since our accession to ILO membership in 1964, Kenya has ratified and fully implemented a total of 46 international labour standards which include, inter alia, several workers' fundamental rights Conventions such as the right to organize and bargain collectively and the abolition of forced labour. Kenya has so far ratified four out of the seven core labour standards on workers' fundamental rights as identified during the recent World Summit for Social Development.

In conclusion it is the view of my Government that there is urgent need for this noble Organization to develop a public relations and communications strategy which will increase the visibility and credibility of the Organization and public awareness of its work. This should give member States renewed hope and strength to face the next millennium.

Original French: Ms. SASSO MAZZUFFERI *(Employers' delegate, Italy)* — We can only acknowledge that the Copenhagen Social Summit and the Singapore Conference have strengthened the role and the importance of our Organization at the international level. As the Report of the Director-General notes, it is now up to us to make the qualitative leap to achieve greater universality in the promotion of social progress accompanying globalization, and to improve the selection of topics in the production of new standards.

I agree with these ideas. But they cannot be carried out without a constant effort on the part of all the tripartite constituents of the ILO. Let us leave aside the false debate on the standardization of social protection, forget the fears of social dumping and ignore the temptations of protectionist seclusion.

The ratification campaign which is under way has already met with some success. But we must maintain the momentum of our commitment, as there is still much to be done.

We quite simply must accept the rules of the game when it comes to the social aspects of globalization, with the conviction that they are useful to governments and to the social partners, as they can avert conflicts which can also represent dangerous economic development and production.

All the measures proposed by the Director-General to adapt the field of action of our Organization to the new challenges of globalization are valid, and should be studied. The Governing Body should examine them next November and the next session of the Conference should be presented with specific proposals.

I agree that the means of action that the ILO already has at its disposal must be used more wisely, and that it is not necessary to create new ones through reforms which would produce mechanisms involving lengthy and complicated procedures.

The Employers' group has requested a renewal of the standard-setting policies. It was proposed that those Conventions which are obsolete or have a particularly low number of ratifications, often owing to the rigid, murky or complex nature of their texts, should be subject to a systematic revision programme. I reiterate that this is an urgent need.

The acknowledgement of the specific and unique role of the ILO in the social field means that the Organization must strengthen its ability to ensure observance of the principles underpinning the seven Conventions on the fundamental rights of workers.

That is the reason behind the proposal for a solemn declaration embodying these principles. It could solve the problem of a lack of ratification of these essential instruments, and above all, strengthen the ILO's effectiveness in a field unique to our Organization, i.e., the safeguarding and universal application of these essential rights.

A new standard-setting policy, if it is to succeed, should take into account the new needs arising in many of our countries, which require more flexibility in legislative frameworks and also in industrial relations and social policy.

The Director-General's Report stresses that the international labour Conventions are one of the means that the ILO can use to attain its objectives, and reaffirms the value of Recommendations as independent instruments. The Employers have for a long time endorsed these ideas.

Many of the other proposals contained in the Report deserve a more in-depth study with the aim of mustering as much support as possible for their implementation. I may cite a few examples, such as the production of new, more selective standards by means of an increase in the number of subjects available for selection; the study at the regional level of the ratification prospects for a possible Convention; and an impact assessment of instruments, in legal as well as economic and social terms.

It is true, as stated in the conclusions of the Report, that globalization opens up a whole new field of possibilities for standard-setting activities. Our Organization must take advantage of this opportunity, for the benefit of its tripartite constituents, who bear responsibility for promoting the consensus required to take important decisions, while at the same time understanding the need to be coherent and to avoid adopting contradictory positions at the various organizations.

The Italian employers are prepared to make these commitments. We are convinced that we should not conjure up new means of action, but rather, as the Director-General states on page 70 of his Report, that it is "a matter of finding the necessary will to exploit those with which the Organization is already particularly well endowed".

I should now like to say a few words on the employment problem, which is at the heart of the Employers' group's concerns, and even more so at the heart of the Italian employers' preoccupations. Many initiatives have been taken in recent years, in particular to promote the employment of young people. To name a few examples, cooperation has been strengthened with schools at all levels; we have stepped up programmes for in-house apprenticeships, held university-industry fora and career days to bring young people and the world of production together; there have been traineeship grants "temporary mobility" grants to help young people move from regions without jobs to those where employment is available; "honour loans" have been granted, and we have provided incentives to create small enterprises. All this must be accompanied by activities in the field of schooling, which must be more appropriate to the technological requirements of the next century, and vocational training.

It is now clear that there is no ready-made solution or example which can be transposed from one country to another, for each context has its own rigid requirements which cannot be met by decree or by goodwill alone.

The Italian employers have thus asked for real flexibility in labour relations as one means of creating employment. We must develop the use of all forms of employment, leaving behind the stereotypes and constraints of the past. Temporary work, fixed-term work and part-time work are just a few examples. This is the way to fight unemployment — which is after all the main concern of young people, who are now ever more numerous as they join in the search for a job.

It is also in the interest of young people, and to meet their pressing need to contribute to their countries' development, that our Organization must now find a new standard-setting approach — one which is more focused on the real needs of its constituents and which is conducive to the development of new enterprises. For we have seen that it is enterprise which is the best source of new, productive and freely chosen employment.

Original Arabic: Mr. AOUN *(Government delegate, Lebanon)* — I have the pleasant duty of taking the floor before this august assembly. This Conference is a major forum in the UN family and indeed is one of the greatest world Parliaments with its tripartite composition. This Conference shoulders the responsibility stipulated in the Preamble to the ILO Constitution, in other words, that universal and lasting world peace can be based only on social justice.

In reading the Report of the Director-General, Mr. Michel Hansenne, which raised the question of promoting the standard-setting activities of the ILO at a time of globalization, we reiterate the importance of the growing role of the ILO in the realization of social justice, the continued development of labour legislation and the complementarity of all the social partners through the continuity of essential ILO activities, such as technical cooperation, in the interests of social and economic progress, the transfer and exchange of technical experiences in training programmes, and the upgrading of employment policy and employment creation in a world where frontiers are disappearing in the area of international trade, employment and science. We nevertheless are opposed to the fact that ILO Conventions and Recommendations may become mechanisms for controlling the markets of developing countries and instruments inflicting harm on their economies to the extent that instead of becoming productive societies, they remain mere consumers.

The noble objectives of the ILO are enshrined in its Constitution which defines its role to defend the freedoms and rights of workers particularly in those regions where such freedoms and rights are flagrantly violated, in countries plagued by social, economic and legislative underdevelopment or in those countries burdened by the yoke of military occupation which destroys their labour capacity, such as in Palestine, the Golan Heights and southern Lebanon under Israeli occupation. Lasting world peace, as mentioned in the Preamble to the ILO Constitution, is a *sine qua non* for the establishment of social justice which must prevail under the shield of national sovereignty for all peoples. Furthermore, the occupation of territories belonging to others replaces social justice by social coercion and harnesses the components of labour in the service of the occupying power, in addition to plundering natural and human resources, systematic destruction of infrastructure, recession and underdevelopment.

Our workers, peasant farmers, fishermen and employers in the south of Lebanon have endured two types of terrorism for the last 19 years: acts of terrorism carried out by the Israeli military and the deliberate destruction of labour infrastructure, agriculture, fisheries, construction, industry and trade. This violates all international resolutions, and in particular Security Council resolution 425 of 19 March 1978, which called for an unconditional withdrawal of the Israeli occupying forces from Lebanon. Unfortunately that did not take place.

The International Labour Organization, which is one of the major organizations within the United Nations system, has been called upon to lay the foundations for social justice, not just in sovereign countries, but even more urgently, in those countries where social justice and fair working conditions are seriously violated, particularly in Palestine, the Golan Heights and southern Lebanon. From the beginning of time, Lebanon has been the cradle of civilization and activity which spread throughout the world, a forum for freedom, culture and thinking, for the promotion of the humanities, law, science, rights and prosperity, and a symbol of resistance in the name of freedom.

We launch an appeal for everything possible to be done to put a halt to these violations perpetrated by the Israelis against the workers, peasant farmers, employers, and indeed all the social partners who are prevented from exercising their right to work and their right to peace and a decent living when factories are bombed daily by the Israelis and fishermen are prevented from going to sea. We fully support the tripartite system of the Organization and wish to see the tripartite consultation mechanisms strengthened on the basis of the complementarity of the various roles of the three social partners. Hence, the Lebanese Government, in cooperation with the ILO, has taken steps to modify its labour legislation, with the help of ILO experts. The Lebanese Government has transferred a certain number of International Labour Conventions to the legislative authorities for their analysis. Unfortunately, the outbreak of war in Lebanon has prevented the adoption of these Conventions to date. The national labour administration is working ceaselessly with the ILO Regional Office in Beruit to strengthen these structures. This is being done in tandem with reconstruction and development efforts, with a view to regaining lost time and to resume overall development and the promotion of employment.

We all dream of the establishment of world peace founded on social justice, equality and freedom.

Lebanon believes that this forum supports our just cause, our right to free our people and territories from Israeli occupation so that together we may contribute to the progress of mankind so that peace, freedom and social justice may reign.

Original German: Ms. VOSKUHL *(Government delegate, Germany)* — First of all I would like to say how pleased I am that a woman has been elected to the presidency of this session of the Conference, and to wish her every success in this responsible office.

The Report of the Director-General is, in my Government's view, one of the most important documents which the International Labour Organization has produced over the last few years. It shows that the ILO has understood the signals sent out from Copenhagen and Singapore, and that it is prepared to strike out in a new direction in order to justify the importance that everyone attaches to it.

The basic question is, how can we ensure that the globalization of the economy and trade liberalization do not lead to restrictions on workers' fundamental rights?

The ministers of trade in Singapore, with remarkable unanimity, noted that the ILO is the international organization best equipped to formulate workers' fundamental rights that are universally binding and to ensure their observance.

The Workers' representative of France in the Governing Body, Mr. Marc Blondel, put it perfectly in March this year when he said that if the governments whose representatives identified themselves with the ILO and its standards in Singapore, were to display as much energy in ensuring respect of these standards, then there would be no need for us — in the ILO, in the World Trade Organization or elsewhere — to reflect on the relationship between trade and social standards.

The task entrusted to the ILO in Singapore is as follows: the ILO should present as comprehensive a picture as possible of the observance of workers' fundamental rights worldwide, and wherever the picture has dark corners, should ensure that these disappear.

The Report of the Director-General is rich in suggestions and food for thought on how to fulfil this mission. Some of these ideas have already been discussed, while others are new. A detailed evaluation would not be possible here because of time constraints, and therefore I would just like to briefly sum up my immediate reactions.

First of all, a solemn declaration at the 1998 session of the Conference seems to us an appropriate starting point for an initiative aimed at better ensuring universal recognition and observance of core labour and social standards and improved supervision of the observance of such standards.

Secondly, we support the idea that in cases where the present supervisory machinery does not enable the observance of these core standards to be clearly evaluated, appropriate measures should be taken to remedy this situation.

Thirdly, we firmly support all efforts to improve the quality and relevance — and hence acceptance — of the ILO's standard-setting activity. In this context, the idea that Recommendations should be given a new vitality merits careful consideration.

Fourthly, the suggestion that a report on social progress in the world should regularly be submitted and discussed at the Conference is new. We should discuss this with an open mind and without coming to any hasty conclusions.

Fifthly, we welcome the fact that the ILO has dealt with the initiative to label goods or retail outlets. In Germany we attach a great deal of importance to such initiatives emanating from manufacturers, retailers and consumers. The Report mentions a number of weak points in existing efforts. Whether it is feasible instead to assign an overall social label to States on the basis of a Convention, is something which must be carefully studied, and we would of course participate in such a discussion.

At the WTO Ministerial Conference in Singapore, the Minister of Trade of Malaysia suggested that the teeth of the ILO should be sharpened if it lacked real bite. Many of the suggestions and proposals contained in the Director-General's Report provide an appropriate basis for strengthening the role of the International Labour Organization so that its efforts on behalf of universal observance of workers' fundamental rights are not spent merely on moral appeals.

I hope that this Conference will achieve a broad consensus on the fact that the ideas suggested in the Director-General's Report should be taken up with an open and unprejudiced mind and without delay: the first steps should be taken at the November session of the Governing Body.

Mr. EARSAKUL *(Minister of Labour and Social Welfare, Thailand)* — Madam President, on behalf of the delegation of the Royal Government of Thailand I would like to congratulate you on your election and wish the Conference all success.

The ILO has earned a well-deserved recognition for its role in standard setting and the promotion of labour standards. Its past success, we feel, rests primarily on the conscientious observance of its prescribed mandate and authority in the discharge of its functions, steering clear of actions whose basis under the ILO constitutional provisions comes under a heavy cloud of doubt and debate. It is from this perspective, as well as that of trade liberalization, that we view the Director-General's Report with some profound concern.

Prominent among our concerns on the Report are not only its approach but also certain proposals which might be open or even prone to misperceptions and fall prey to protectionist tendencies. Thus, contrary to the view published by authoritative sources, the Report appears to suggest a link between trade liberalization and labour standards. We are equally disturbed by the far-reaching proposal for social labelling coupled with an international inspection, with all their uncharted implications. We, furthermore, feel that, as far as the proposal for a declaration on core standards is concerned, extreme care should be taken not to circumvent the relevant ILO Conventions, which require ratification; nor should such a proposal be allowed to fall foul of the well-established rule of international law that States cannot be bound without their specific consent. Given such inherent problems, to name but a few, we submit that the Report be further discussed and considered by the ILO Governing Body taking full account of the concerns voiced here in this forum.

Thailand's democracy, while undergoing a continuing process of reform, has firmly taken roots within our society. We have thus no reservation whatsoever in fully supporting the Director-General's advocacy that ILO member States recognize their responsibilities in respect of fundamental human rights enshrined in the ILO Constitution. At the same time, we must also recognize that maintaining due balance between economic development and social progress is a delicate task. ILO member States have their own realities to face, their priorities to carry out. For us, the delivery of economic benefits to the people is the first priority. Most people have benefited from economic advancement in Thailand as the economy has grown. Social progress has also undoubtedly followed in the path of economic development, but despite all efforts, it cannot be fully realized overnight, lest that delicate balance is jeopardized, endangering the well-being of all. Thailand will continue its efforts to ensure a place and guarantee for the fundamental human rights in our national constitution, now being revised and to adopt and ratify more ILO Conventions.

We reiterate that a promotional approach by the ILO will be more effective in ensuring observance of the ILO's core standards. We refer, in particular, to programmes like those for child labour being implemented by the ILO. Similar programmes for the *working poor*, the underemployed and the disadvantaged go hand-in-hand. The ILO will need to guard against attempts to use labour standards as a bargaining counter in international trade.

The current agenda covers revision of the Fee-Charging Employment Agencies Convention. In Thailand, such agencies are regulated as they play an active role in overseas employment. Here also lies a key in addressing the problem of migrant workers. While supporting the proposed revision we will request the ILO to organize technical cooperation projects for this area of endeavour.

The two other agenda items of job creation in small enterprises and contract labour are interrelated. Subcontracting by large enterprises to small enterprises using the services of groups of workers on substandard contracts creates social problems. Thailand is fully aware of the inequities suffered by contract workers. However, upgrading the efficiency of small and medium enterprises will need the support of large enterprises. Multinational corporations, in particular, should participate in national efforts to provide technical training to help create self-employment and small enterprises. This is also a role for employers' organizations, since, as rightly stated in the Director-General's Report, social progress is no longer the prerogative of governments.

Finally, as a founding Member of the ILO, we wish to reaffirm our full commitment to the ILO's objectives and would stress the need for meaningful technical cooperation programmes to enable developing countries to attain these objectives.

(The Conference adjourned at 1 p.m.)

Sixth sitting

Wednesday, 11 June 1997, 3 p.m.

President: Ms. Keltošová

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT — We shall now resume the discussion on the Reports of the Chairperson of the Governing Body and of the Director-General.

Original Farsi: Mr. KAMALI *(Minister of Labour and Social Affairs, Islamic Republic of Iran)* — Madam President, at the outset I wish to congratulate you on your election to the presidency of this session of the International Labour Conference in which one of the most important issues, namely international standard setting, is being addressed. I will address a collection of important issues on standard setting, an activity which is in line with the general objectives of the Organization, including the setting of universal standards and securing the application of international labour Conventions. We believe that the role of the ILO Director-General in this area is of particular importance.

Economic globalization, the expansion of free trade, particularly in the services, regional integration and other international developments over the past decade have made the active participation of Members inevitable and the ratification of Conventions more pressing. Against this background the constructive role of the ILO in the promotion of working conditions and in securing workers' rights depends on confidence in the commitments of the member States of the Organization.

Inspired by the spirit of international cooperation, I would like to emphasize the following points.

First, the ILO Conventions, consisting of a unified set of labour codes, supplement each other. Therefore, any form of classification of the Conventions will only lead to a reduction in the significance of a large number of them in favour of a few.

Second, the activities of the Organization should focus to a large extent on technical cooperation. Furthermore, consultative services should be utilized to surmount the obstacles to the application of the Conventions through, inter alia, capacity building to promote ratification.

Third, the present supervisory machinery needs to be reviewed. Objectivity, universality and impartiality of supervisory machinery should be ensured to prevent any abuse of the machinery for selective, subjective or political purposes. By taking these steps the relations between the ILO and the member States will be bolstered and there will be incentives for universal accession.

Fourth, expansion of employment opportunities and income generation should remain among the main objectives of the Organization. Furthermore, appropriate policies must be designed with respect to the status of this Organization as a centre of excellence for the enhancement of the working conditions and the safeguarding of the rights of workers worldwide.

Some developed countries, obsessed with the short-term implications of free international trade intend to abuse the social concerns to disguise their protectionist policies. These countries are proposing new issues serving their protectionist policies in order to disrupt free trade in sectors in which they lack comparative advantages. To put it plainly, we do not oppose addressing social labour conditions and the protection of workers' rights. What we are against is the abuse of social concerns for the sake of short-term national interests.

Labour conditions have for many years been on the ILO agenda and undoubtedly will continue to be so. But we believe that the abuse of the mentioned issues to undermine the comparative advantage of the developing countries will be detrimental to the achievement of the goals of the ILO.

Having said that, we should not lose sight of the fact that free trade development and national capacity building in developing countries will provide considerable safeguards for social security as well as better working conditions. By the same token, the political, economic and social conditions, as well as the development status of each country, must be taken into consideration in the course of the application of standards.

In conclusion, I would like to draw the attention of this august assembly to the continued injustices imposed upon the workers and the whole population of Palestine. In the light of the situation the ILO duly needs to address the plight of the Palestinians and assist them towards the realization of their inalienable rights.

Original French: Mr. ZIELINSKI *(Minister of Labour and Social Policy, Poland)* — May I start by congratulating very warmly the Minister of Labour of Slovakia on her election as Chairperson of this Conference. Slovakia is a very sisterly country towards Poland.

The subjects he submitted in the Director-General's Report form an excellent basis for the discussion of the fundamental problems which arise at present within the ILO's field of competence in these conditions of the liberalization of trade and the globalization of the economy.

The idea of making social policy more universal is just as ancient as the history of this body which is so

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worthy. We could even say that this idea finds its roots at the very start of Mediterranean culture itself for the conception of common rights for men of various nations come from the ancient *ius gentium*, of which Gaius, the Roman lawyer, wrote at the time that it was made up of the natural reason between all men.

The standard-setting activity of the ILO has played a major role in changing the regimes of Central and Eastern Europe from the totalitarian system towards democracy. Numerous ILO Conventions ratified by Poland at that time showed the way towards the system which conforms to international standards set up since 1989.

The idea of globalization is today regarded likewise as the guideline of all actions in favour of social progress in our world today. While agreeing with that thesis, I am also convinced that we have to highlight the importance of national rights in the reform process in the social regimes in the member countries. As I see it, this famous sentence by Charles Montesquieu, from *The spirit of laws*, has lost nothing of its value today. May I quote it? "Every nation governs itself by its own laws, which should be but special cases through which the spirit of humanity reveals itself." Not to see that means admitting the simplification in the achievement of the idea of globalization of the economic systems and the understanding of the universality of social protection in our world today.

In these conditions of competition in the markets, workers' rights can be violated if governments don't guarantee their citizens the respect of common rights of all human beings. We must therefore welcome, with approval and hope, the common declaration of the Ministers adopted at the World Trade Organization in Singapore, which confirms the will to respect the fundamental rights of workers recognized by the international community. I also wish to express my satisfaction that the OECD in its report on *Trade, employment and labour standards* underlined the crucial importance of several Conventions of the ILO, including these in its "core workers' rights".

The documents mentioned should not stay as a dead letter here among political texts. Thus it is necessary to ensure for ILO standards sufficient effectiveness. That effectiveness of the ILO shows itself undoubtedly in the Conventions which have been ratified by its member countries because their implementation is controlled by the ILO's supervisory machinery. It is with approval therefore that I welcome the proposal to make greater use of Recommendations in the ILO standard-setting activity.

I fully share the idea of reviewing the Conventions and Recommendations already adopted and to proceed with assessing their value today. The fact that most of these standards were not sufficiently supple constituted a weakness in the activity of the ILO up to the present. In the face of ever more rapid development of our civilization and with a view to economic crises which force countries to reduce social services, unfortunately law has to adapt itself to the expectations and possibilities of the social partners whilst still preserving their universal values — human rights.

The standards prepared by the ILO have to be stable and flexible at the same time. This contradiction hides an old dilemma of progress which has never been solved, expressed by Paul Valéry, the poet, in the following aphorism: "what has not been settled is nothing; what is settled is dead". Those words are worth retaining, if you think of the suggestion of Mr. Hansenne, that standards of the ILO should be codified, under a more lasting system.

Last May, the citizens of Poland adopted by referendum the new Constitution of the Polish Republic. In accordance with that basic law, Poland is a legal, democratic country, achieving the principles of social justice. The foundation of its economic regime is constituted by the social market economy based, amongst other things, on dialogue and cooperation among the social partners. Freedom and social rights, as written into the Constitution, must truly reflect the spirit and the letter of international standards.

An important step on the way to adapting our Polish legislation to the standards of the ILO, the Council of Europe and the European Union, will be several new ratifications of ILO Conventions. As I see it, this constitutes a solid basis for follow-up activity aiming to harmonize the Polish legislative system with European Union standards in social policy and the world of work.

It is with great joy and pleasure that I communicate to you today that the President of the Republic of Poland ratified yesterday the European Social Charter. This is a tremendous step in my life.

Original French: Mr. TKAC *(Government delegate, Slovakia)* — Allow me to congratulate you, Madam President, on your election to the Presidency of the Conference, and to wish you every success in the running of the 85th Session of the International Labour Conference.

The aim of the International Labour Organization is to contribute tirelessly to the cause of social justice, and this through the creation of international labour standards governing the questions of employment, working conditions, collective bargaining, social security, maternity protection, and a number of other issues.

Three years ago, the Government of the Slovak Republic set up its basic programme, considered to be of the utmost importance, in the field of industrial and social relations. It is known as the "Conception for the transformation of the social sphere in Slovakia". It is based on the achievement of economic, social and cultural rights of its citizens, guaranteed by the Constitution of the Slovak Republic, and it is the result of the social consensus amongst the social partners. The conception responds to changes brought about by economic change. In accordance with this conception, the Government of the Slovak Republic is preparing several new laws this year in the field of industrial and social relations, in particular the new Labour Code, the Public Service Law, the Social Insurance Law, and a number of other laws which will have a decisive impact on the attainment of the objectives set out in the programme for the transformation of the social sphere for the years 1997 and 1998.

On the agenda of the 85th Session of the International Labour Conference we have the revision of Convention No. 96 on Fee-Charging Employment Agencies. It is Law No. 387 of the Employment Code, amended by Law No. 70 of this year, which governs the question of placement in the Slovak Republic. The term "placement" means an activity directed towards finding and offering suitable employment to unemployed individuals who are seeking a job, as well as finding and offering suitable wage-earners to the employer. Our law distinguishes between two types of placement. It can either be free of charge or fee charging. Cantonal labour exchanges offer placement services free of charge and without prejudice, whilst respecting the citizen's freedom to choose amongst the jobs offered, as well as respecting the freedom of the employers to choose amongst jobseekers.

Fee-charging placement can be carried out by people or legal entities under conditions laid down by the employment law, provided a licence has been issued by the National Labour Office. The employer or the individual citizen covers the real expenses engendered by the fee-charging service. The amount paid for the placement service shall not exceed the maximum amount set in the scale. Any wage deductions are prohibited, as are deductions of any remuneration due to the wage-earner as a result of work done for a third party having carried out the placement.

The Government representatives of the delegation of Slovakia are in favour of the revision of the ILO Convention on Fee-Charging Employment Agencies because the proposal is close to the legal provisions enforced in the Slovak Republic.

The creation of new jobs on the labour market is the result of an active employment policy. The Slovak Republic is paying close attention to the development of small and medium-sized enterprises. Law No. 100 of the Collection of Laws on State Assistance to Small and Medium-Sized Enterprises was adopted in 1995. The ministry and other central authorities of the state administration of the Republic are adopting measures in favour of the activities of SMEs, in particular in the form of granting funds from the state budget as well as through the establishment of bodies aimed at promoting the activities of such enterprises. The Government delegates of the Slovak Republic are in favour of the draft, which should lead to the adoption of the international labour standard in the form of a Recommendation on general conditions in favour of the creation of employment in small and medium-sized enterprises.

Contract labour is becoming a more and more current problem in industrial relations in a number of countries and regions throughout the world. However, the definition of this type of labour is still not sufficiently clear in order to be adopted at international level. Work done on a contract basis is carried out in accordance with very diverse legal regulations and, in particular, is different from customary employment contracts concluded between the wage-earner and the enterprise.

In the Slovak Republic we have paragraphs 232-239 of the Labour Code which are close to this type of employment relationship. The above provisions provide for contracts for work carried out outside the framework of an employment relationship. We have contracts on the exercise of labour and on the activity of labour.

Regarding the amendment of the Constitution of the ILO and of the Standing Orders of the Conference, the Government group of the Slovak delegation is in favour of strengthening the International Labour Organization's machinery for supervising the fundamental standards of human rights.

Original German: Mr. SAKTOR *(Workers' delegate, Slovakia)* — Allow me to greet you on behalf of the Confederation of Trade Unions of the Slovak Republic, which groups together 41 trade unions with more than one million members. At the same time I would like to join others in congratulating our Minister, Ms. Olga Keltošová, who will be presiding at this year's session of the Conference. It is a special honour for the whole country for this important office to be borne by a Slovak representative.

The ILO is an excellent and unusual organization, being the only tripartite organization in the world. Through its instruments the ILO endeavours to ensure a balance of forces at the supra-national level. In particular, in connection with the liberalization of international trade, these instruments are an important means of establishing basic principles to give workers the possibility of gaining a fair share of the advantages ensuing from globalization.

As trade unionists and democrats we are firmly convinced that economic progress must go hand in hand with social progress. Our aim is to pursue economic policies accompanied by social security. We are convinced that it is well worth the cost, both at the national and at the international level. Anyone who believes that social dumping and low wages can be used to achieve lasting advantages is mistaken. This can only lead to instability and xenophobia and end in social turmoil. We all share the responsibility and we should shoulder it.

This is why we consider the ILO to be so important and support its efforts to make its instruments more effective and its rules universally applicable. We would be pleased if the Slovak Republic would also adopt the concept of social labelling. Labelling would mean that democracy works in Slovakia, that human rights, including workers' rights, are respected and can be monitored through international inspection.

The Slovak Republic has always advocated tripartism and social partnership. This is true of all Slovak Governments since the change in November 1989. It is true of the Federation of Employers' Unions and of the Confederation of Trade Unions. Substantial progress has been achieved by the Tripartite Forum in the field of social transformation and industrial peace.

Unfortunately, for the first time since 1991, no agreement has been concluded between the three social partners. The last major project which was decided on jointly by the social partners was the reorganization of the labour administration and its replacement by a new tripartite institution under public law — the National Labour Office. I think I can say, in a spirit of full responsibility, that the representatives of employers and workers are prepared to share the responsibility for solving the major problems on the Slovak labour market.

Despite the problems I have mentioned I am pleased to say that from a strictly legislative point of view social dialogue is well regulated. This is why I am optimistic and convinced that these provisions will also be translated into reality. As social partners, we trade unions are prepared to work to this end.

Mr. QUISUMBING *(Secretary, Department of Labor and Employment, Philippines)* — The Philippine delegation would like to extend our sincere greetings and our warmest congratulations to the President on her election to preside over the 85th Session of the International Labour Conference. We are also grateful to the Director-General, Mr. Michel Hansenne, and his staff for his Report entitled *The ILO, standard setting and globalization*. We find this Report, including some of the proposals therein, and the conclusions with the courses of action set forth, not only thought-provoking in the light of its origins and consequential reactions, but on the whole also generally pertinent to our need to renew and reconfirm our dedication to the ideals of the ILO, namely social justice and peace. As we enter the third millennium the ILO is once again in the forefront of the struggle to promote the fundamental human rights of workers and universal respect for the dignity of labour amidst the challenges of the deregulation or liberalization of trade and the perils of globalization.

A member State like the Philippines looks to the ILO leadership — the Governing Body, the Office and this Conference — for innovative but effective instruments (proposed Conventions, Recommendations or other standard-setting measures) to advance the cause of labour and enhance the welfare of the workers and their families. While we also recognize the need to discuss even controversial issues such as social labelling in the constructive sense, they should be thrashed out first in the Governing Body. This is necessary before we can look into declarations, measures or mechanisms for enforcement without being hopelessly embroiled in controversies.

In the Philippines we have aligned our Labour Code and other laws, including our national policies, especially the social reform agenda, to meet our commitments, amongst others to the ILO, its Constitution, the Declaration of Philadelphia and the Conventions specifically ratified through our legislature.

Thus far, the administration of President Fidel V. Ramos and the social partners have pushed vigorously for Senate ratification of key ILO Conventions, including those on Safety in Health and Mines (No. 176), the Recruitment and Placement of Seafarers (No. 179) and the Minimum Age for Employment (No. 138). The Philippines has already ratified 26 Conventions, five of which are core Conventions. We are now especially concerned with equality at work, special consideration for working women and the progressive elimination of child labour.

Even as we opened our doors to very substantial foreign investments and saw the migration of Philippine workers overseas, we also pursued measures for stronger protection of labour through domestic laws, bilateral negotiations and international consensus (e.g. UN General Assembly Resolution on Migrant Workers). But above all, we have adhered to the ILO core labour standards, including freedom of association and collective bargaining. We have also provided social security protection as an irreducible condition for social progress. This, we hope, the Director-General will in due time report on favourably.

Nevertheless, we quite realise the difficulties of the ILO, considering our limited resources for safety nets and the numerous perils to employment, trade unionism and workers' welfare caused by industrial restructuring, job flexibilization, company re-engineering, and now trade liberalization and globalization. These hazards must be confronted vigorously and wisely here and now at the ILO.

ILO records show that reports and replies to ILO surveys have declined over the years. To further positive responses, particularly concerning core Conventions, it is now necessary, in our view, to increase technical cooperation in areas where some governments are found wanting and thus direct their efforts towards ratification.

Given the declining rate of ratification, a soul-searching inquiry into ILO standard setting and supervisory machinery is equally in order. The proposal for a wider and topical choice of subjects for standard setting, taking into account the added value that each standard might contribute to existing instruments, may serve as a first step to such soul-searching. A solemn declaration affirming the principles of core labour standards identified in Copenhagen, without infringing on the sovereign rights of Members, could enhance progressive ratification and enforcement.

In closing, industrial peace, economic prosperity and social progress as lodestars of the ILO and its member States do not come cheap and easy. This was true in the past, marked by violent struggle, and will still be true in the very near future as we enter, perhaps slightly bedazzled, the twenty-first century. Our hope is that, without exceeding its mandate, this International Labour Conference will now be able to chart new pathways via well-considered measures to help us in our quest for enforceable labour standards, fully agreed to by all the social partners and acceptable to every member State. We wish you success in this great endeavour.

Mr. JIN *(Minister of Labour, Republic of Korea)* — I would like to offer my congratulations to Ms. Keltošová on her election. I also wish to express my warm-hearted appreciation to the Director-General and his staff for their arduous efforts in preparing this Conference.

The Report of the Director-General, *The ILO, standard setting and globalization*, has proposed the new and important directions of the ILO in order to tackle economic and social issues emerging in the era of globalization.

The Republic of Korea shares the perspective that the international community should be more concerned with the social dimension of the liberalization of trade and investment, and that the resulting economic benefits should be fairly distributed among workers throughout the world.

The ILO, however, should make sure that the socio-economic circumstances, traditions, and value systems of each individual country is also considered in working out the *Reports on Social Progress* of the world. On the issue of social labelling, which is one of the most controversial topics here today, the ILO should ensure that the linkage between trade and labour practices is not used as a protectionist device.

In this era of globalization, human resources are becoming the most valuable asset. I am also sure that human resource development and job creation are, clearly, the ground for the social progress which the ILO is looking for. Therefore, I believe that the role of the ILO should be directed at developing workers' abilities and creativity, and to create more job opportunities. The first step towards this goal might be to establish and strengthen the tripartite cooperative system in each country.

Recently, the Republic of Korea revised its labour laws in an effort to realize those principles. The Presidential Commission on Industrial Relations Reform, established in May 1996, undertook extensive discussions concerned with building new industrial relations for the next century. Korean legislators from both the ruling and opposition parties have reached a consensus to reform the labour laws.

The Republic of Korea's new labour laws, first of all, intend to enhance the workers' freedom of association. They also broaden a range of choices for labour and management, for example, by introducing a flexible work-hour system. A legal framework is provided for joint participation and cooperation between labour and management. And finally, the new labour laws provide labour and management with more effective administrative services.

Under the new labour laws, the Republic of Korea is expected to move one step forward to becoming a socially progressive nation. I do believe that the Republic of Korea's recent labour reforms have realized the principles and spirit of the ILO Constitution and standards.

The Republic of Korea will continue to make its best efforts to further the work of the ILO and to promote the well-being of the world community of nations.

Original Arabic: Mr. EL AMAWY *(Minister of Manpower and Immigration, Egypt)* — In the Name of God, the Merciful, the Compassionate!

I would like to congratulate the President on her election to the presidency of the 85th Session of the International Labour Conference. I wish all success to you and the Vice-Presidents in steering the deliberations of this session.

The ILO, standard setting and globalization is an agenda item designed to seek the most effective means of promoting greater adherence to core labour Conventions and the constitutional principles of the ILO within the mandate of the Organization, based on the existing mechanisms, and without creating new constitutional obligations.

The non-ratification of the core Conventions is not necessarily the result of the lack of political will for their implementation. In the World Summit for Social Development in Copenhagen, we agreed on the need to promote full employment, a fundamental priority of our economic and social policies, through the respect for relevant ILO Conventions. The first Ministerial Conference of the World Trade Organization held in Singapore in December 1996 also stressed that the International Labour Organization is the competent body to set and deal with these standards. In the Singapore Declaration the ministers rejected use of labour standards for protectionist purposes, while emphasizing the legality of the comparative advantage of low-wage, intensive-labour developing countries, which must in no way be put into question.

In the present context of the globalization of the economy, the ILO has to maintain its credibility by emphasizing the universal value of the principles contained in the ILO fundamental Conventions. The problem really is how to achieve the best application of these Conventions. Under the terms of the ILO Constitution, it is by ratification only that a member State undertakes to apply a Convention. The basis for any mechanism to supervise the application of international instruments must be the express consent of States, as only ratification creates binding obligations under the Vienna Convention on the Law of Treaties. For this reason, the proposal made in the Report of the Director-General concerning the adoption of a supervisory mechanism which would be independent of ratification constitutes a serious and unconstitutional precedent, which is unacceptable. The emphasis should be placed on the promotion of the ratification of core Conventions and their application.

Efforts by the ILO to promote core labour standards among its member States should be consistent with its philosophy, as enunciated by the Declaration of Philadelphia, which stated that "the manner of their application must be determined with due regard to the stage of social and economic development reached by each people ...".

The Governing Body had discussed at previous sessions a set of proposals on the expansion of the ILO's supervisory mechanisms, but this was not adopted. The delegation of the Government of Egypt has objections to such proposals, that are not in conformity with the Constitution of the ILO, and therefore with international law. These proposals are aimed at establishing linkage between international labour standards and international trade. It is an issue which is beyond the competence of the Organization, and therefore unacceptable.

It is appropriate to commence with an evaluation of the existing procedures in order to make them better adapted to current conditions. There should be guarantees of objectivity, impartiality and transparency for the initiatives of the International Labour Office.

We reiterate our firm commitment to the principles and objectives set out in the Constitution of the ILO and the Declaration of Philadelphia. We would like to point out that the international community has repeatedly expressed its categoric rejection of any attempt to establish any conditionality or linkage between international trade and international labour standards.

We support the work of the ILO in identifying Conventions that need revising or abrogating. We also support the International Labour Office's efforts to promote the ratification of international labour standards through dialogue with constituents. The delegation of my country welcomes the measures taken recently by the ILO in this regard, especially the Director-General's initiative to address all member States which have not ratified the core Conventions. This initiative has in fact has secured 29 new ratifications since March 1995, bringing the total number of ratifications among the ILO's 174 member States to 815 of a possible 1,218.

The ILO's supervisory machinery has a host of suitable and effective means at its disposal for strengthening adherence to core labour standards, and particularly article 19(5)(e) of the Constitution, which emphasizes the right of each State to ratify or not to ratify the ILO's Conventions, with the obligation to submit a report on its legislation and practice in the areas covered by the Conventions.

We stress the importance of technical cooperation as the most effective and constructive means to promote international labour standards. We call for the development of technical cooperation with member States, to help them to overcome obstacles to ratification or in the application of these international instruments. If the ILO wants to improve its credibility with the outside world, it has to play a role in promoting employment, combating poverty and eliminating marginalization.

The existing ILO supervisory machinery is sufficient. This position is shared by the majority of the government delegations. It would be inappropriate and legally difficult to establish special supervisory machinery for a group of Conventions.

The proposal concerning a declaration to be adopted by the Conference which might help to define the universally acknowledged content of the fundamental rights which should be respected by all Members of the Organization, whether or not they have ratified the corresponding Conventions, and to establish a mechanism to guarantee their promotion has no constitutional basis. We cannot accept imposing obligations on the member States of the ILO other than those emanating from the ratified Conventions.

It might be useful for the Director-General to submit a Report to follow up the social progress in the world and highlight the achievements accomplished, and the efforts made by the ILO in this respect within its mandate.

The social label to be awarded to countries complying with a set of fundamental principles and rights and agreeing to have their practices supervised by an international inspection, provided that all goods produced on its territory be monitored on the spot is nothing but a retroversion of what has already been rejected by the International Labour Conference since 1994. We oppose the introduction of the social clause in the rules of the international trade system, as had been previously opposed by the international community in Singapore. We reject imposing coercive measures to impose and observe the international labour standards, since the linkage of labour standards with trade liberalization implies the use of trade sanctions to impose compliance and adherence to the standards. We also oppose the use of the ILO as a disguised mechanism to impose new protectionist measures under the pretext of promoting the respect of labour standards. The ILO in such a case would become a mechanism of the developed countries, imposing the interests of the multinational enterprises that belong to them, in order to deprive the products of the developing countries (where poverty is prevalent, and which employ intensive labour including children) from having access to the markets of developed countries. This is a protectionist measure for high-cost products.

Turning now to the situation of the workers and employers in the occupied Palestinian territories, this situation is deteriorating under the Israeli occupation of these territories and with the continuing establishment of settlements, the last of which is the settlement of Jabal Abu Ghenaim.

In this respect, we would like to refer to the resolution of the United Nations General Assembly of 15 April 1997, and call upon the ILO to increase the activities being undertaken within the plan of action of the Organization to protect the rights and freedoms of workers and employers in Palestine.

Finally, we stress the necessity of abiding by the Constitution of the Organization. We reject the introduction of any amendments to the Constitution to strengthen the supervisory machinery, and we also call for the non-establishment of linkage between trade liberalization and international labour standards.

Original Spanish: Ms. PIÑEYRUA *(Minister of Labour and Social Security, Uruguay)* — On behalf of the Government delegation of the Republic of Uruguay and on my own behalf indeed, I would like to congratulate the President on her election to Chair this 85th Session of the International Labour Conference.

I would now like to turn to the central topic of our discussion namely the Director-General's Report, *The ILO, standard setting and globalization.* Without a doubt, this is a thought-provoking and controversial document that will certainly make waves in the history of the ILO. It summons the political resolve of the member States to undertake very significant changes in their relations with the Organization and these changes are set down in black and white in various proposals.

Firstly, the possibility of the Conference approving a declaration on fundamental principles to be respected by all States, whether or not they have ratified the corresponding international labour Conventions.

Secondly, the adoption by the Conference of a Recommendation on the subject of fundamental rights and the establishment of a follow-up procedure, such as, for example, a periodic report on social progress in the world and subsequent tripartite debate.

Thirdly, there is a proposal for social labelling, that would be given to those countries that act in accordance with certain fundamental principles and rights and agree to be subjected to international inspection.

Finally, there is a proposal for revision of the future of standard-setting activities, with priority given to specificity and effectiveness.

There can be no doubt that economic globalization and liberalization of trade lie behind the concerns and proposals that are flagged in the Report. It is a very delicate topic and any kind of consensus solution will be hard to achieve. It will call for lengthy reflection which may take a good deal of time but that is not a reason to postpone the discussion.

There are two levels of discussion which call for different kinds of consideration. The first is the level of values and policies and the second is the legal and practical side. With regard to the values and policies which the international communities should defend, and which are referred to in the Report, such as the prohibition of child labour, forced labour, the acceptance of freedom of association, collective bargaining and non-discrimination, I might point out that my country, Uruguay, has a long tradition of support and respect for these principles which are part of the core values underlying the ILO. We have ratified international labour Conventions Nos. 29, 87, 98, 100, 105, 111 and 138.

Full compliance with the principles contained in those instruments should be an aspiration shared by all member States. Indeed, it is one way of reaffirming basic human rights.

However, at the legal and operative level certain clear concepts and definitions are still lacking, in particular as regards the practical aspects.

It is quite clear that the temptation to use some of the proposals for protectionist purposes should not be discarded as being merely a negative element. If these are adopted we may run the risk of generating a new source of international problems and discord that may be more serious than the ones that are supposed to be resolved.

We believe that thinking is not sufficiently advanced to establish a clear link between labour standards and trade measures and the way in which the proposed instruments could be used in a balanced manner which protects the rights of all workers, including those which are not directly linked to export activities.

In any case, we should move forward very carefully so as not to transform the ILO, which has a role in preparing and supervising labour standards on a voluntary basis respecting the heterogeneity of the member States, into a system that introduces measures which are coercive in the sphere of trade.

However, we do recognize that there is a problem and it is a source of grave concern. We are ready and open to listen carefully and to continue the discussion of this vast and complex issue which of course is only in its initial stages. If we want to find a consensus solution to such a thorny topic, it is going to be necessary to discard any kind of emergency situation or inflexible deadlines for the adoption of untried measures, and be ready to continue an exchange of views in order to promote international cooperation rather than confrontation.

With these ideas in mind we believe that tripartite discussion of the proposals contained in the Report is vital within each member State and, later, at the regional and subregional levels.

For this first step forward, the Office of course could play a very important role, through technical cooperation, by promoting and supporting national, subregional and regional tripartite seminars. In such seminars, the way in which the supervisory machinery proposed by the ILO is suited to conditions could be studied, the repercussions of the measures on employment, the possibility of practical implementation of the proposal contained in article 19(5)(e) of the ILO Constitution.

Furthermore, we could work on preparing a recommendation on basic rights and once this is approved we could propose a follow-up system taking the shape of the periodic report and tripartite debate.

Let me state that Uruguay fully shares the values that we are striving to protect and it is up to the ILO to promote and monitor such values.

We will not adopt proposals without being absolutely sure that they are perfectly suited to the role to be played by our Organization, and certainly not without due tripartite discussion. We call upon the Director-General to approve the resources necessary for such activities.

Original French: Mr. ATHANASIU *(Minister of Labour and Social Protection, Romania)* — Madam President, it is a great pleasure for me to extend to you on my own behalf and on behalf of the Romanian delegation our congratulations on your election as President of this session of the International Labour Conference.

In the light of the Report prepared by the Director-General and the agenda of the Conference I shall confine myself to a few general considerations concerning the way in which Romania plays its part as a member State of the International Labour Organization.

At the end of this millennium, now that the liberalization of world trade has become a reality, the International Labour Organization should play an active role in balancing economic expansion and social progress by promoting fundamental social rights, a prerequisite for better working and living conditions for workers and the enhanced well-being of all categories of people. The ILO's activities can be made more effective by reinforcing its standard-setting action, and in this connection I appreciate the proposals set out in the Report of the Director-General of the ILO, Mr. Michel Hansenne.

The unofficial codification of international labour standards, the reconsideration of the role given to Recommendations by the ILO Constitution — and I would like to suggest here the model of the council directives of the European Union, adjusted of course to the specific action of the Organization — the strengthening of the supervisory machinery for the application of the Conventions already ratified, including the official recognition of those States observing a set of fundamental rights and principles, the regular submission of reports regarding the Conventions which have not yet been ratified at least the ones considered as fundamental, are possible steps to be made by the Organization and its member States to achieve this considerable objective.

ILO standard-setting action represents an efficient way of strengthening international cooperation in the social sphere, and also of guiding and supporting the action of member States, also as regards the process of implementation of economic and social reforms whose ultimate goal should be a higher standard of living for their own nationals.

According to the Government Programme for the years 1997-2000, the new Romanian Government, appointed after the November 1996 elections, has committed itself to promoting a series of macro-economic policies which aim at reducing or even eliminating the dysfunctions of the national economy as well as speeding up the economic sector structural reform.

In order to reduce the social consequences of the implementation of the economic reform programme, the Government of Romania has adopted a series of social protection measures, namely: an increase in the gross national minimum wage and state child benefits, indexation and wage compensation, pensions, unemployment benefits and other social allowances, as well as the provision of severance payments for the workers laid off as a result of the restructuring or privatization of fully or partially state-funded enterprises.

Romania has ratified to date some 42 international labour Conventions, including the ones considered as fundamental. The Romanian Government has recently submitted to Parliament, with a view to its urgent adoption, the draft law for the ratification of the Abolition of Forced Labour Convention, 1957 (No. 105) which is fully compatible with the Romanian Constitution and the relevant national legislation.

Romania is committed to ratify as many legal instruments as possible which is why we are now examining several international Conventions such as those on the night work of young persons, paid leave, occupational safety and health, human resources development, labour statistics, labour administration, and minimum standards of social security.

This undertaking is part of Romania's efforts to modernize its national legislative and institutional framework and to bring it into line with the relevant European standards, with a view to supporting the economic and social reforms required for the attainment of a higher standard of living for all the categories of its population.

To sum up, the Romanian Government would once again like to say how firmly committed it is to the standard-setting activities of the ILO, which is testimony to our devotion to the Organization. A sign of this is Mr. Victor Ciorbea at the head of the Romanian Government, a well-known trade union leader and very much liked here at the ILO. He personally supports our standard-setting activities and our efforts to introduce into our own legislation the international standards worked out by the International Labour Organization.

Original Spanish: Mr. MENDEZ DIAZ *(Workers' delegate, Guatemala)* — On behalf of the workers of

Guatemala I would like to congratulate you, Madam President, on having been elected to Chair this great International Labour Conference. We welcome the Report of the Director-General of the International Labour Organization, which of course is not the wave of a magic wand but a series of guidelines and basic steps that all workers in the world must follow to bolster the role and standard-setting activity of the ILO on the eve of the twenty-first century, the era of globalization.

As a kind of contribution by my country, last year a final and definitive peace agreement was signed celebrating the end of the war that has ravaged our country for more than 36 years. The war was sparked by social inequality and the absence of democracy, by the exploitation, hunger, poverty, unemployment and repression that our society was forced to suffer, thus violating our most basic human rights.

The peace agreements lay the foundation for economic development to promote the common good and for participation and consultation, with a view to the full development of the individual, the well-being of families and the socio-economic development of the country, as well as for the strengthening of democratic human rights institutions and the guaranteed right to organize.

Within this framework we workers have demonstrated our political desire to meet this challenge and to cope with the advance of globalization through dialogue and negotiation. We recognize and wish to defend our acquired rights, such as the right of free association, collective bargaining and the right to strike — rights that are enshrined in ILO Conventions Nos. 87 and 98.

We believe that monitoring compliance with ILO standards should be improved and made more effective and more speedy, because unfortunately in my country governors and business circles continue to violate international labour standards such as the Freedom of Association and Protection of the Right to Organise Convention (No. 87). Furthermore, there is arbitrary and illegal interference by the Ministry of Labour, which is taking away from us the economic and social benefits that have been agreed upon with the employers and with the State in our collective bargaining agreements and abusing its authority, in as much as our Labour Code stipulates that it must register collective agreements.

The Government and the employees with their neo-liberal policies continue to provoke massive layoffs of rural workers and urban workers. In addition to trade union leaders being laid off, some public and private unions have simply disappeared. Eight or ten cases of this have in fact gone to the Committee on Freedom of Association.

On the subject of the Singapore meeting, the ILO should not forget what was agreed. If they are not regulated by labour standards, globalization and free trade will leave millions of workers with their backs to the wall as their acquired rights disappear, particularly workers from poor developing countries such as Guatemala, where the application of neo-liberal thinking discriminates against us a little more every day. It is leading to extreme poverty which sooner or later is going to spark off even greater social problems than the ones we already have. That is why we think that the ILO should reassert its authority and through its standards regulate this economic globalization and free trade; this is both an obligation and a right of the ILO's tripartite machinery.

In closing we would like to endorse the Director-General's Report. It is quite clear, as he says, that the strengthening of the ILO in this time of globalization is not merely the responsibility of the Organization itself. And we would like to appeal to all worker leaders internationally to seek and bring about the unity of the world's working class, so that we can meet the challenges of globalization.

Let me in advance thank all workers throughout the world for their solidarity in assisting Guatemala, as they have in the past, as they do in the present and as they will in the future.

Original Turkish: Mr. MERAL *(Workers' delegate, Turkey)* To begin my statement, on behalf of all working people of Turkey, I would like to extend to you my best regards.

I congratulate the Director-General on the extremely important report he has submitted to the Conference this year, and would like to state our wholehearted support for his proposals. The workers in my country have endeavoured, during the great struggle that they have waged, to benefit effectively from ILO Conventions. Thus, especially in relation with new developments in technology and in the organizing of production, we are in favour of the adoption of new Conventions and Recommendations concerning new problems that arise in working life. We want a more effective ILO. We also support the campaign launched by the Director-General in May 1995 for the ratification of the core Conventions on fundamental rights. The working people in my country believe that the supervision of the implementation of the basic principles enshrined in the basic texts of the ILO, and in the Conventions, has acquired far more importance today. Therefore we wholeheartedly support initiatives to strengthen the ILO's supervisory machinery. Additionally, we are for the establishment of a mechanism that would enable the ILO to monitor violations of rights under the Conventions on forced labour and discrimination in countries which have not ratified these instruments. On the other hand we also want the establishment of mechanisms that would secure a more effective supervision of the ratified ILO Conventions and their enforcement.

My proposals concerning the ILO are closely related in particular to the problems in my country. The plight of the working people in my country is further deteriorating every single day, and their problems are increasing. The tasks of trade unions in safeguarding the democratic and secular system are becoming still more important. Terrorist activities, actively supported by some of our neighbours and by some other countries, harm the working people and the entire population of the country. Since the European Union did not fulfil its financial obligations to Turkey, the customs union which was created without full membership in the European Union, has led to serious economic and social problems. The concept of the social state of law, enumerated in our Constitution as one of the fundamental characteristics of our republic, is being violated. Inflation, unemployment, poverty, inequality in income distribution, and child labour are increasing rapidly. Subcontracting and clandestine employment are becoming more widespread. Under the guise of privatization, we can see an intention to plunder public property. Our social security system faces great problems due to the faulty practices of the Government. In my country, forestry and agricultural workers are still not covered by the scope of the Labour Act. The provisions of ratified ILO Conventions have not been reflected in national legislation, and are being violated continuously. Convention No. 158 has been ratified, but there is still no job security. Conventions Nos. 87 and 98 have been ratified; however, the 1982 Constitution and the other laws which violate fundamental trade union rights and freedoms in my country are still in force. Workers exercising their right of association are dismissed; workers, public servants and trade unionists taking part in peaceful democratic and legitimate actions, in line with the ratified ILO Conventions, are prosecuted. The right to bargain collectively and the right to strike on behalf of public servants have not yet been acknowledged. The rapid increase in clandestine employment renders even the exercise of the insufficient legislation in force impossible. I would like to state that we regret the transformation of the ILO area office in Turkey into a branch office, totally ignoring the opposition of the representatives of workers and employers, while the basic problems of the working people increase every passing day, and the ratified ILO Conventions are being continuously violated. We expect the ILO to be more active in the defence of the rights of migrant workers and in uniting their families.

In spite of all obstacles, the trade union movement in my country, as the hope and leader of my people, wages a determined struggle to overcome these problems. In addition to that, the great support we have lent to the newly emerging free trade union movements in the Eurasian countries, in all branches of activity and especially in the metalworking branch, is continuing. While recalling that we benefited from the ILO Conventions and the ILO supervisory mechanisms during our struggle, I would especially state our support to initiatives that will further reinforce the role of the ILO in a globalized world.

Original Arabic: Mr. AL-THANI *(Minister of Civil Service Affairs and Housing, Qatar)* — On behalf of the delegation of Qatar, I should like to congratulate the President on her election to the Chair of this Conference and wish her every success.

The International Labour Organization has done much to promote standard setting in many areas and this is reflected in the legislation of member States. The ratification of international Conventions gives an important indicator of their efficacity — but failure to ratify a Convention does not necessarily imply that its provisions are not respected. Member States do try to ensure that account is taken of standards in their legislation. However, a number of reasons might prevent their ratification: specific conditions prevailing in a member State; specific provisions; follow-up requiring a moral pressure, etc.

As far as our country is concerned, we should like to see many of these standards applied because our Government is based on responsibility, law and justice. We feel bound to try and guarantee optimum working conditions for all our children — and for that we have to provide protection before they enter the labour market which presupposes social security, education and health services. We must strive to attain these in cooperation with the social partners as joint efforts are propitious for production.

We should like to refer to the apprehensions of the developing countries in the face of globalization and the new world order, at a time when poverty, debt and unemployment are on the increase. These countries need standards and initiatives to help them overcome their problems and take up new challenges.

Taking into account the words of the Director-General in his Report on standard setting, we believe that, at this juncture, there should be greater flexibility in the application of standards; we must reduce the pace of adopting new standards which should be more in line with the real needs of societies. Greater assistance should also be provided to developing countries so that they might better affront their problems.

On the subject of international labour standards and human rights, we cannot overlook the suffering of Arab workers in the occupied Arab territories and Palestine inflicted by the occupation of the Israeli authorities, which is harmful to the whole region.

Before concluding, we would like to express our gratitude to the ILO for its support of the Arab countries. We would like to see the programme of technical cooperation to assist Arab countries reinforced and see Arabic used in all the Organization's documents. We are ready to provide our support to any cause that might contribute towards improving the quality of life of all peoples.

Original Spanish: Mr. CASTRO GUERRERO *(Government delegate, Colombia)* — Madam President, I would like to congratulate you on having been elected to chair this very significant Conference. Colombia, on behalf of the 113 member States of the Non-Aligned Movement and some observer States, including China, presents the following document approved by consensus at the Labour Ministerial Meeting held on 10 June 1997, with reservations from Chile, Jamaica, South Africa and Venezuela. It is a response to the Director-General of the ILO's Report on *The ILO, standard setting and globalization.*

First we attach great importance to the role of the ILO in standard setting and the promotion of labour standards. We reaffirm our commitment to observe internationally recognized core labour standards.

Second, the ILO must promote labour standards in accordance with its Constitution and as an integral part of social progress of societies.

Third, economic progress is linked to multidimensional aspects of development and is not solely dependent on trade. Economic growth and development must contribute to the improvement of living standards and full observance of labour standards.

Fourth, the Report is a matter of concern as its approach and its arguments are inherently flawed, and it introduces an untenable link between labour standards and trade which we do not accept.

Fifth, the WTO Singapore Ministerial Conference reaffirmed the commitment of governments to the observance of internationally recognized core labour standards and reiterated that the ILO, and not the WTO, was the competent body to set and deal with such standards. The Singapore Conference rejected "the use of labour standards for protectionist purposes" and stipulated that "the comparative advantage of countries, particularly low-wage developing countries, in no way must be put into question".

Sixth, the Ministerial Conference did *not* give the ILO a *new* mandate to take a further initiative on trade and labour standards, nor did it have the authority to do so.

Seventh, there is no empirical evidence to support the view that there is a link between trade liberalization and labour standards. The thesis that low wages in developing countries are responsible for loss of jobs and lower wages in the developed countries has been refuted by many authoritative analyses including the ILO's *World Employment Report 1996-97* and the IMF's *World Economic Outlook 1997*.

Eighth, the diversity in the implementation of labour standards basically reflects differences in the levels of economic development. In any case, low labour standards are not the primary source of the comparative advantage of developing countries.

Ninth, seeking to equalize remuneration of workers universally would question the comparative advantage of developing countries. The principle of "equal remuneration for equal work" mentioned in the ILO Constitution, was not meant as a universally applicable standard. It cannot be extended to the global level where the units of comparison are States at different levels of economic development and with varying circumstances.

Tenth, ILO instruments have been *voluntarily* ratified by States. Any proposal for a declaration on core labour standards should not be legally binding. The most effective means to ensure respect for improved labour standards is the universal ratification of core labour Conventions.

Eleventh, the proposal for an ILO report on social progress flows from flawed premises and linkages. The implication is that the ILO will determine what is the "acceptable" level of comparative advantage and which countries are converting the benefits of liberalization into social progress. The ILO's analytical reports must continue to focus on the overall examination of labour trends, bearing in mind that social progress is inextricably linked to development. Labour standards should be seen as benchmarks in this process.

Twelfth, "social labelling" has been raised from the perspective of consumers in developed countries. Such labelling would legitimize the use of labour standards for protectionism and, by implication, endorse the social clause with the ILO acting as its monitoring body.

Thirteenth, commitments in respect of labour standards constitute obligations freely entered into in the context of ILO Conventions. We cannot, therefore, accept the proposal for "reliable and legally independent" international inspection by the ILO. Any such inspections can only be carried out nationally and are beyond the legal and financial capacities of the ILO.

The way forward — the principal objective of the ILO's work related to labour standards is to secure the dignity and welfare of workers in accordance with the objectives, aims and purposes enshrined in the ILO Constitution and the Philadelphia Declaration. The ILO must pursue labour standards in their own right as an integral part of the social progress of societies, recognizing them as benchmarks in the process of development.

The first step, step one — promote universal ratification of basic and fundamental labour standards. Step two — implementation of basic and fundamental labour standards. Step three — ILO supervisory machinery that has to be objective, impartial and transparent. Step four — international action.

The Director-General's Report requires further consideration by the ILO Governing Body, taking into account the views expressed in this statement.

Original Spanish: Mr. CARO FIGUEROA *(Minister of Labour and Social Security, Argentina)* — The changes occurring worldwide in employment, the distribution of wealth and forms of work organization have accelerated substantially in the present decade.

The causes of these changes are to be found in the globalization of the economy and the scientific and technological revolution, which — obviously — have both positive and negative effects.

To illustrate this ambivalence, suffice it to point out that, although the number of jobs worldwide increased in the past decade, this was not enough to compensate for the effects of technological progress and to meet the needs of new entrants on the labour market.

In nearly all member States of the ILO unemployment is increasing at an alarming rate, and so far nobody has found a way to reverse the trend, which threatens the peace and social and territorial cohesion of our nations. But although unemployment is the worst problem affecting the world of work today, it is not the only one. The distribution of jobs throughout the world, the quality of jobs and the distribution of the gains derived from increased productivity are problems which are just as important. The growing ease with which production, investment and employment can be relocated has given a central role to labour standards in the competitive strategies of enterprises and nations, which thus have to constantly revise their labour standards to ensure their conformity with the new competitive and technological environment. And that is precisely why some enterprises and certain areas yield to the temptation of defending their positions by impairing the living and working conditions of their citizens, sometimes even disregarding their fundamental social rights.

At the same time, in several countries, unemployment, new forms of work organization and the restriction of trade union freedoms under the guise of certain ideological systems, are also leading to a step backwards in the distribution of incomes. These problems, together with the quality and quantity of jobs, have been of concern to the ILO since its inception. However, the magnitude of the changes occurring throughout the world call for ratification of the ILO's founding values and principles, as well as its instruments and guidelines for action.

Fortunately, after a considerable period of perplexity, the ILO has reacted positively to these new challenges. Thus, the Director-General's Report to the Conference, continuing the line of thought begun in *World Employment*, was a step in the right direction. Strengthened by tripartism and despite the reticence expressed in other forms, the ILO is making progress towards the concrete implementation of what has come to be called the "social dimension of the liberalization of international trade", centred on the faithful observance of fundamental social rights.

We have been making progress along the same lines in the Americas, as the Declaration of Buenos Aires, signed in 1995 by all the Ministers of Labour of the region shows.

New challenges call for the ILO, as the Director-General rightly says in his Report, both to revise its standard-setting activity and to overhaul its internal organization. We therefore support the adoption of a solemn declaration reaffirming workers' fundamental rights and their observance by all the member States of the ILO, whether or not they have ratified the relevant Conventions. We also support the proposal for a social label. Beyond that initiative, the magnitude of employment and the resulting social fragmentation call for new and greater efforts on a world scale.

Specifically, with a view to boosting employment and promoting a more equitable distribution of productivity gains, the Government of Argentina calls for urgent intervention by the ILO with regard to hours of work and the arrangement of working time. We propose that hours of work be substantially reduced from 2,400 hours per year as provided in the Hours of Work (Industry) Convention, 1919 (No. 1) to 1,500 hours per year as the maximum limit throughout the world with effect from the year 2010. I should like to point out that in the present circumstances a substantial reduction in hours of work can only be adopted on a world scale, since action taken at the national level would be doomed to failure as it would undermine the competitivity of any country adopting it unilaterally. The revision of Convention No. 1 should also provide for a reduction of a maximum legal hours of work throughout the year for each country by 10 per cent in the year 2002 and another 10 per cent in the year 2005. This process of universal reduction of hours of work, coordinated and guaranteed by the ILO, should also provide for broad decentralization of its implementation, so that it should be left to collective labour agreements to make provision for working-time arrangements, hours of rest and the distribution of the costs of reduction.

Finally, Argentina will propose changing the 88th Session of the International Labour Conference to be held in the year 2000 to a summit of Heads of Government and State, who will be responsible for adopting the new Convention on hours of work, which will be incorporated in the list of workers' fundamental rights.

I would like to conclude by paying tribute to Mr. Alfredo Pochat, an official of the Argentine Government, who was recently murdered for fighting corruption.

Original Spanish: Mr. VALDES MESA *(Minister of Labour and Social Security, Cuba)* — Permit me to offer my sincere congratulations to the President on her well-deserved election.

The Report presented by the Director-General to this session of the Conference was written very carefully and contains numerous proposals on ILO standard-setting activities in a period of globalization. Indeed, it would serve as an excellent basis for a technical meeting in which proposals for radical change in the way this Organization has operated to date could be studied in full detail, with all the attention they deserve.

Of course the ILO has to adapt the way it works to today's world. With every passing day it becomes more necessary for the Organization to renew its effectiveness, but without losing sight of its mission to achieve social justice, and without turning itself into an instrument of neo-liberal globalization which subordinates public concerns to private interests, gives higher priority to transnational interests and advocates dehumanizing theories that marginalize people and undermine the foundations of international understanding.

The present definition of the fundamental rights of workers, as dictated by the present globalization process is restricted to a few Conventions. This tends to limit fundamental rights, and gives short shrift to our Organization's role in defending the acquired rights of workers, some of which are enshrined in other, no less important, Conventions.

Conventions on subjects such as wage protection, social security, employment policy and occupational safety are directly related to the social protection of workers. But nevertheless they are breached or constantly side-stepped as the labour market becomes increasingly flexible and deregulated.

Any declaration or a resolution that does not take account of all of the rights that have been part of the historic demands of the workers as principles to be recognized and respected thus runs the risk of weakening the impact of those international labour standards which do not fall within the limited concept of the fundamental or core Conventions.

The impulse for social progress must begin first and foremost with the basic responsibility of the State for all processes affecting the standard of living of its people. But along with this, there needs to be full participation by all of the social partners and representatives of other sectors of the population in preparing, implementing and monitoring decisions connected with economic and social development.

While we accept interdependence, and are in favour of regional and subregional integration as a means of improving the negotiating position of certain countries vis-à-vis others on a fair and equitable basis, we reject those formulas that involve the unilateral imposition of measures or patterns that show no respect for the sovereign right of peoples to organize the kind of society and government that they want.

Cuba, which for more than 35 years has been wrestling with one of the most colossal difficulties that any country has ever faced, has gained a great deal of experience which shows that it is possible to cope with social problems, even in the face of adversity.

Despite the strengthening of the embargo imposed by the United States and which has been rejected by the international community, the Cuban economy has shown signs of recovery. It has made some significant changes, by offering attractive guarantees for foreign investment, without impinging upon the rights of workers, and without reducing our country's achievements in the fields of education, health and social security.

Some of the initiatives put forward in the Report with a view to making international labour standards more effective can be supported by my delegation.

Greater respect for Recommendations and effective follow-up for these instruments and for the non-ratified Conventions may prove to be a good way forward for the application of their provisions. It may encourage the ratification of such Conventions, thus providing a guarantee for the principle whereby "the obligations of States should not be extended without their consent".

What we cannot support is any punitive link between international trade and labour standards. The introduction of social labelling and on-site inspections would amount to just another form of protectionism.

We share and endorse the basic thrust of the Report, and especially the values that it promotes. My Government will always be in the forefront of any contribution to defending workers' rights.

Original Spanish: Mr. RAMIREZ LEON *(Workers' delegate, Venezuela)* — Madam President, may I in the name of the Workers' delegation of my country congratulate you on your election to so important a post, together with the other Officers of the Conference of which I have the honour to be a member myself and I am sure that under your leadership we shall achieve the best possible results.

I also wish to congratulate the Director-General for the Report which he has presented to our Conference. It collects together the principal grounds for thought which all those who are linked to the world of work need if we are going to continue daily to defend the interests of the working classes in the quest for social equity.

We applaud the way he approached the subject of globalization. It is done with detail and precision and it is a subject which would seem to run the risk of losing the value of its contents so much has it been discussed. The Director-General's Report recovers its real significance in terms of growth, labour conditions and social progress and establishes the prerequisites for the new operating conditions for international trade which can mean progress for everybody, not only the few getting richer.

It has been shown that if you leave everything to market mechanisms alone it will not generate social justice. On the contrary, if left to run free, they will make inequality grow and employment becomes precarious and poverty multiplies. For workers to enjoy the benefits of international trade, as the Report affirms, an essential precondition is the establishment of universal standards which — without violating any special geographic, economic or cultural particularities which in certain cases might bring competitive advantages in terms of labour and social costs — stop the conditions of work getting degraded and prevent the establishment of perverse forms of exploitation which can be installed as a mechanism for penetration of the market.

Linking the basic rights of workers with international trade seems to us to be a social and moral necessity. But to strengthen the standard-setting character of the ILO cannot be delayed. That is why we welcome the mandate in this direction which the Organization received from the World Summit for Social Development in Copenhagen and the World Trade Organization, when both of them recognized the ILO as the natural and necessary instrument for standard setting and overseeing employment and working conditions at the international level.

We agree that it is urgent to issue a new solemn declaration which, like the Declaration of Philadelphia, would be able to reinvigorate the commitment of member States with the fundamentals of the Organization and its standard-setting function.

In Venezuela, in harmony with the basic principles of the ILO, we have taken on indispensable changes in our social and labour legislation, based on social dialogue and tripartism. Agreement between the social partners came before the legislative action. The Congress of the Republic confirmed the agreement reached by the workers, the employers and the government. This agreement will prepare the basis for a new social security system and much fairer and more flexible labour conditions and maintenance of full salary levels.

Today the Congress in Venezuela has confirmed the accord, and it will then pass to the President of the Republic for implementation. We have agreed changes which favour the integration of our country into international trade, maintaining and strengthening the rights of workers and freedom to organize and collective bargaining.

The workers and their trade unions have expressed the wish that the result of this tripartite effort will be the creation of employment, harmonized and sustained economic development and the strengthening of social security as a fundamental achievement. We think that the process we have lived demonstrates that social rights and economic transformations are not antagonistic aspects but, on the contrary, they complement and strengthen each other.

We wish to thank the ILO and especially the Bureau for Workers' Activities for the cooperation we have received in all this process. The tripartite agreement included expressly a request to the ILO to count on its technical cooperation. We trust that this Conference will strengthen the ILO and ratify the transcendency of its standard-setting action for the benefit of workers, employers and of world peace.

Mr. RANA *(Employers' delegate, Nepal)* — May I also add the congratulations of my Employers' council on the election of the President and my appreciation to the Director-General for the effort put into his Report.

After the advent of liberalization and the popularity of the free market system worldwide, countries like mine have also been forced to be part of this global mind set. It is not important that most of our countries still have not got over the hangover of a "big brother government" wherein all the needs were looked after by the State and due to stringent central planning and strict licensing, consumers did not get what they wanted and enterprises did not have competition. This was of course the era of protectionism and import substitution. Since the State then was guaranteeing the existence and profitability of such enterprises, it was only normal that the labour force working in them felt that their jobs and facilities were guaranteed regardless of their productivity or efficiency.

Now things have changed. The walls of protectionism have been shattered and enterprises and their workforces have suddenly woken up feeling most vulnerable. Our labour force is realizing that now their jobs are not as secure as before. How can an enterprise speak of guaranteeing job security to labour when it itself is not guaranteed its own existence? Furthermore, our international markets have starting mixing social clauses with trade thus aggravating an already tenuous situation.

Madam President I represent an employers' organization from one of the least developed countries. Here globalization and standardization are not perceived as opportunities, but as threats. We come from an economy where central planning and protectionism was the norm. Now we are supposed to swim in the sea of international competition. We also believe in the creation of level playing fields, but to play in such fields players to some extent have to be equal. Our industries which do not have the advantage of economies of scale or competitive exposure are now on the verge of being swamped by cheaper and better imports. Free trade has become the clarion call of today, but what about those enterprises who have to fall by the wayside? Jobs only exist when there are enterprises. Are we not therefore causing job losses in those very countries that are most in need of them? If in the name of globalization our governments are induced to reduce tariffs and custom duties to help the free movement of goods, why can we not, in the name of globalization, permit the free flow of labour and have other governments lower their immigration regulations? If we agree that protectionism has to go, if we agree that we stand aside and let non-competitive companies collapse, we must also agree that those left jobless by our adherence to such a philosophy should have an equal opportunity to find jobs in any country where their comparative advantage is useful. Globalization of trade should also automatically mean the globalization of employment opportunities.

The need of the day is the creation of employment. The only way that employment can be created is by the creation of enterprises. Governments have to make it easier for such enterprises to be registered and to exist with a minimum of bureaucratic interference, national or international. They should also have easy access to markets and financing so that they can attain long-term stability.

Speaking of long-term sustainability, we feel that any effort at social labelling at the present time is going to be detrimental to the sustenance of our economies. It is not possible that a poor country like mine can aspire to the same standards, social and otherwise, as those of the developed countries. Child labour, denial of human rights and a host of social evils are horrendous but they cannot be looked upon in isolation. Such situations are tied to the total economic development level of the country. We all know that the societies of the developing world are mired in problems. In most cases such problems are transitional and tied to the country's development or lack thereof. History tells us that the industrial revolution in the West was the first instance where one could read about child labour, bonded help and disregard for basic human rights. These despicable evils disappeared almost automatically after the countries reached a certain level of economic development. Therefore, it would be unfair and unjust to countries like mine if the ILO were to — through social labelling or the imposition of universal standards — be the cause of hindering the potential growth of our economies. No matter which way one puts it, if social labelling and universal standards are introduced, they will definitely impact on trade and, subsequently, on the health and the numbers of the enterprises. Such an instance would only mean that the social evils we are trying to eradicate will take that much longer to go away. The WTO meeting in Singapore rejected the imposition of the social clause on trade. I do not see why the ILO has now to be its standard-bearer. We wish to strongly submit that trade and labour standards should be kept apart or we will end up hurting the very sectors we wish to help.

One positive role the ILO could play in the future is that of advocacy on behalf of the least developed countries of the world. We know that the pressure for social clauses and universal standards comes mostly from consumers who convince large firms not to import goods from certain countries. What we need the ILO to do is to give the correct message where applicable to importers and consumers that the said countries have intentions and plans to gradually remove social evils within their system. Poor countries like ours do not have the finances or the capability of telling our side of the story to the correct audience. The ILO could help us at least to some extent get equal time.

Before I conclude I would like to go on record to thank the ILO through its capable Bureau of Employment Activities (ACT/EMP) for the tremendous support it has given us in the past. Our economy is in a very transitional stage and the support in terms of resources and programmes has made it easier for us to weather these turbulent times. I would also like to thank the Director-General for continuing the office in Kathmandu which is a great help to us. We are also grateful to the Nikkeren International Cooperation Centre for their help and guidance, as we are to Denmark, Norway and Italy for their generous contributions to ILO programmes in our country.

My employers' organization looks forward to continue working with the ILO towards our ultimate goal which is the betterment of the employers and workers of the world.

Original Spanish: Mr. ALARCON GOMEZ *(Workers' delegate, Chile)* — In the name of the workers of Chile, permit me to extend our congratulations to the Officers presiding over this 85th Session of the International Labour Conference and our greetings to all the delegates present.

To begin, I would like to express my satisfaction at being able to take part in this event. We consider that the ILO is the sole institution today which is representative and influential in the search for tripartite consensus between governments, employers and workers.

Last year, we had the opportunity to inform you, from this rostrum, of the urgent transformations required in the labour relations system in our country. Unfortunately, since then no progress has been made from the point of view of standards, and still less with regard to the introduction of any real and effective tripartism.

The Government of Chile does indeed listen to the workers through their union leaders, but for the sole purpose of mitigating their demands. In the final analysis, any decisions concerning workers are made unilaterally.

For these reasons, we are especially concerned to note that our country, Chile, has become an example of progress and development for our sister countries. In such circumstances, progress in macroeconomic indexes has absolutely nothing to do with actual progress in labour and social relations. We may mention the false image which is projected of the Chilean social security system. The statistics that my country exhibits to the world do not reflect the reality in Chile, where there is an unfair distribution of income. Indeed, the United Nations Economic Commission for Latin America and the Caribbean issued a report in March 1997, which placed Chile among the worst countries with regard to the distribution of income. Obviously, the facade of a healthy economy is being used to dissimulate serious labour problems in both the public and private sectors.

Over and above these difficulties related to wages, collective bargaining, unionization, privatization of public health services and public education, and the lack of inspection mechanisms for private enterprise, a new problem has recently come to the fore — repression by the police of workers who mobilize or exercise their legitimate right to strike. For example, the ILO's Committee on Freedom of Association now has a complaint before it which was lodged by unions in the public sector, which protested against repressive action taken on 23 October of last year. The Chilean Government, through the Under-Secretary of Labour, has maintained that the workers damaged public and private property and attacked the police. This is distorted and false information. We therefore call on the ILO Committee on Freedom of Association to demand that the Government prove these accusations. We, the workers, can prove that they are untrue, and that the police attacked the headquarters of the fiscal service employees' union, and even the headquarters of the CUT, the Single Central Organization of Chilean Workers.

As for the report of the Chairman of the Governing Body, we think that it corresponds to the amount of work which can be achieved in just 12 months. Still, as the Governing Body includes Chilean representatives of all three groups and has a Chilean Chairman, we must admit that we in the Chilean trade union movement had high expectations this year, especially as regards our country's setting an example of observance of ILO standards and ratifying the basic Conventions. So far, Chile has only ratified three, and has still failed to ratify two of the most important ones for trade unions, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

With respect to the Report of the Director-General, which is the main subject of discussion, we share the view that the link between trade liberalization and the protection of workers requires respect for the fundamental rights of the latter. This means that there is no justification for certain governments to refuse to ratify at least the seven Conventions on fundamental rights. We also wish to draw attention to the initiative in the Report of the Director-General which calls for a solemn declaration or recommendation of the Conference to establish, once and for all, some real mechanisms with which to monitor and evaluate the efforts made by governments to ensure that the economic progress resulting from trade liberalization also benefits social progress.

In the same way, we believe that there must be a profound change in the commitment to the ILO's fundamental principles. It is beyond comprehension that many of those who take part year after year in this forum can show absolutely no real sign of a willingness to observe the Recommendations, resolutions, Conventions and other texts that it has adopted.

As regards the proposals of the Director-General referring to the global social label with a system of inspection, we believe this is an interesting initiative which can strengthen social guarantees as trade is liberalized, not only through government action, but also by giving consumers and producers some responsibility for its effectiveness.

With regard to the standard-setting activities of the ILO, we fully share the view of the Director-General as expressed in his Report, that there should exist mechanisms to assess the impact of the various instruments which are adopted. These mechanisms must be appropriate, permanent and fair.

Finally, we should like to reiterate how important the ILO is for the trade union movement throughout the world. We are at the disposal of the ILO's various bodies and will do anything in our power to help strengthen and develop them. We thus wish to express our total support for the Report submitted by the Director-General.

Original Spanish: Mr. GONZALEZ-IZQUIERDO *(Minister of Labour and Social Development, Peru)* — As representative of the constitutional Government of Peru and head of Peru's delegation, allow me to express my greetings to the delegates of the States members attending this 85th International Labour Conference.

Madam President, allow me to congratulate you on your well- merited appointment to chair our meeting.

The Report submitted by the Director-General on *The ILO, standard setting and globalization* gives us an introduction to profound reflection about the role of the International Labour Organization in a new economic social and technological context, which differs from the early days of the ILO and which is currently setting us new challenges as an Organization and as member States.

We have to point out that the Government of Peru is concerned by certain trends that are supposedly designed to defend labour rights, but which in fact intend to develop and encourage new forms of covert protectionism by establishing tariff-like measures such as, for example, social labelling or the system of on-site inspections and so forth. Furthermore, we believe that we must avoid the notion of sanction existing in the supervisory machinery.

Many of us say that we consider that it is not good to link international trade with more uniform labour standards. One of the different reasons already thrust into the debate in this building is the existence of a large informal sector in which labour standards to not apply and this situation of the informal sector, especially in some parts of the world, is becoming particularly powerful in terms of economic activity. As regards Peru, the phenomenon of globalization has indeed represented a challenge in order to achieve high levels of international competitiveness, so that we can participate in this new economic reality under the best conditions. More specifically, in the labour sphere it has been necessary to redefine the role of the State within the dynamics of the labour market, and this has led to a new legal framework in accordance with the changes that have occurred but respecting the fundamental rights of the workers.

As doubtless has occurred in your countries too, this task has not always been fully understood by some sectors, who have opposed as a matter of principle these reforms, in an attempt to perpetuate a situation that is incompatible with today's world and which is also unfair to those parts of societies that do not enjoy a job in a traditional sense within the formal sector. In this way, the reality and the results obtained demonstrate that we have taken the right path forward and above all we are working in harmony with the international Conventions that my country has ratified.

I should also inform this assembly that the Government of Peru has every intention of endorsing the ILO's work in revising those Conventions that have become obsolete and which do not contribute to achieving the purposes for which they were adopted. This indeed in some way explains the degree to which they have not been complied with and which in some cases has led to unwarranted complaints because reality has overtaken these Conventions which have simply become dated.

In this framework my country's Government is very happy to inform this meeting of what we have achieved as a result of the application of our labour modernization policies. In Peru, as a result of the major transformations that have occurred throughout the world economy and its effects on our country, there is a new conception of labour relations and within this a new notion of the role that the Ministry of Labour and Social Welfare should play. We believe the Ministry should set the appropriate legal framework and promote private initiative in generating new jobs. Indeed, in the past year we have consolidated our labour reforms and, to date, we have already put into practice some regulations for their full application. There have also been specific activities such as bolstering the labour inspectorate system, the purpose of which is to prevent conflicts in this particular sphere, is indeed designed to protect labour rights for the benefit of the workers. Furthermore, in keeping with what I have just mentioned, we have given priority to the information work of the Ministry, with the implementation of specific programmes in this area.

On that topic, I would point out that as of September of last year we have launched a programme for better dissemination of labour legislation called PRODLAB, through which workers and employers can carry out telephone and fax consultations on legal matters concerned with labour issues. In this field, we have modernized our direct person-to-person services, an important part of which was the implementation of an automatic system for the payment of social benefits to workers. I should also emphasize the growing importance felt by our users with regard to administrative conciliation, which has been a useful way of ensuring that the social partners can achieve a negotiated settlement of their differences of opinion.

As regards the Peruvian Government's employment policy, particular attention should be paid to the carrying out of information, conciliation and training programmes and support to sustainable economic activities undertaken for women's employment and micro-economic enterprises. Stress should be laid on the fact that technical cooperation and resources have been granted by international organizations, in particular the International Labour Organization.

Equally in order to cut down unemployment generated by the disparity between supply and demand for labour, we have modernized and reinvigorated the national placement system — SINAC. Last year more than 10,000 workers throughout the country were able to gain a new job through the system.

Furthermore, we have launched the young persons' training programme, called PROJOVEN, and this programme is designed to establish the right conditions for young people who are short on resources to improve their opportunities of obtaining a job. We have also started a job consolidation programme for women called PROFECE, which has been running since the end of last year, and its purpose is to improve women's access to the labour market, in particular women who have little training and precious few resources. In the first month and a half of operation of this programme, we have managed to find placements for 1,300 women in jobs such as textiles, crafts, agro-industries, food and other areas; for this year, it is hoped that 10,000 placements for women will be found.

As you can see, my country is making great efforts to respond to the challenges of a globalized world, so that we can draw the benefits of such globalization, and we hope that we can rely on cooperation and solidarity from the international community.

Finally, the Government of Peru is quite convinced that the ILO, with more than 75 years' experience and on the threshold of the twenty-first century, will continue fulfilling its responsibilities and will respond, as it has done heretofore, to the hopes that the member States have vested in it, by promoting employment, assisting with respect of fundamental human rights in the labour sphere and by contributing to establishing the international peace that we all desire so much.

Original Spanish: Mr. TOMASINO HURTADO *(Minister of Labour and Social Welfare, El Salvador)* — It is a great pleasure for me to be attending this 85th Session of the International Labour Conference, and on behalf of my Government I would like to congratulate Mr. Michel Hansenne for all that he has achieved as Director-General of the International Labour Organization.

I would also like to take this opportunity to extend a greeting to all those who are attending this meeting, and in particular to our special guests.

Five years ago the Government of El Salvador undertook to fulfil the peace agreements that were signed in Chapultepec in January 1992. This has made it possible to consolidate growth in our country over the last three years under the guidance of Dr. Armando Calderon Sol as President of the Republic. We have achieved the necessary stability to affect investments from abroad, which of course is assisting with our economic progress.

We cannot forget that we are on the threshold of the twenty-first century. The peoples of Hispanic America are reaffirming their links between each other so as to take on the challenge of the new millennium. We all seek prosperity and this depends, to a large extent, on employment, on perfecting labour relations systems, and on genuine social dialogue through tripartism in order to achieve greater understanding that will lead to full enjoyment of the internationally recognized rights of workers.

In that regard, we believe that the public and private sector should jointly meet the training needs in the area of labour, as well as strengthen the advisory and other services aimed at improving productivity and quality that are required for the benefit of micro-enterprises, small and medium-sized enterprises. It is particularly important to promote knowledge of ILO structures and, in particular, an understanding of its standard-setting activities for concerted action between governments and members, and more effective compliance with obligations. Particular stress should be laid on the duties undertaken as a result of the ratification of international labour Conventions and Recommendations, given their paramount importance in the hierarchy of national legislation.

The Ministry that I head has defined its position vis-à-vis the fulfilment of the obligations that emanate from the ILO Constitution. Our Higher Council on Labour conducts vocational training, and legal studies on international labour Conventions that are soon to be put before the legislative authorities in my country. We are preparing technical comments regarding the draft Convention on Contract Labour. We are studying the Home Work Convention, 1996 (No. 177) and Report V "General conditions for promoting the establishment of small and medium-sized enterprises". We support any legal initiatives designed to disseminate greater understanding of the standard-setting activity of the Organization and the content of its Conventions.

The Secretariat of State has been working to eradicate child labour and is coordinating activities with the national secretariat on family affairs that are designed to implement a programme to create the necessary political and social will to counter these problems as quickly as possible. This will also involve government institutions and NGOs, and will adopt strategies to achieve positive results in this sphere. The work will be based on the preparation of mechanisms to strengthen civil society in general and lead to greater community participation in order to better build our democracy and achiever greater reconstruction after the war.

The Government of El Salvador is furthermore committed to guaranteeing a high standard of primary education, as stipulated in the Plan of Action adopted by the Summit of the Americas in cooperation with the private sector and non-governmental organizations and with the support of multinational institutions.

Our Government is preparing short-term programmes with the support of international financial institutions to eradicate illiteracy, raise the level of school attendance, improve staff training, especially of workers, and adult education. These are expected to be more pertinent to the needs of the market and employers, and improve access of the population to the enjoyment of the social and economic development of the country. They are also designed to improve the standard of living, through technical and vocational training offered by INSAFORP.

These programmes will in fact be strengthened and tailored to the vocational training needs of all workers in El Salvador. There will be a need for technical assistance to promote the development of micro-enterprises and small and medium-sized enterprises. We will support the setting up of cooperatives, funds and other alternatives that will themselves provide backing for vocational training programmes, seminars, regular skills training courses and programmes for immediate institutional implementation aimed at improved productivity and efficiency. It is our belief that the social clause should be taken very seriously by member States, as long as it is compatible with the fulfilment of workers' fundamental rights, and as long as it is supervised locally by governments and, internationally, solely by the ILO. We must also ensure that barriers to international trade are not erected to the detriment of progress made in globalization.

I would not like to close without expressing to the ILO, to its staff, and to those who work in the Central American subregion, our deepest thanks for all the assistance we have received in carrying out our tasks. We have been given some very useful responses to the reports that we have submitted during the course of the year, without which our work would have been extremely difficult, and we hope that we will continue to receive such assistance. Let me conclude by referring to the Preamble to the Constitution of the International Labour Organization which states "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries".

Mr. ROP *(Minister of Labour, Family and Social Affairs, Slovenia)* — Please allow me to take this opportunity to congratulate the secretariat for their excellent organization of the entire Conference.

In its 78-year history, the International Labour Organization has adopted 180 Conventions and 187 Recommendations, through which it has contributed to both the improvement of workers' status and global progress. The real challenge, however, still lies ahead of us.

We are witnessing rapid and diversified changes resulting from globalization. The social partners will have to show deep understanding and considerable patience, both at national levels and in the international arena, in order to reach acceptable compromises and thus preserve the social balance.

The Slovenian Government welcomes the decision to authorize the Conference to abrogate all Conventions which are no longer relevant to contemporary conditions. The adoption of new international labour standards which take the newly emerging situation into consideration has to be our common goal. Moreover, we should also strive to implement these standards in practice.

The Republic of Slovenia has already ratified the core ILO Conventions, as the Abolition of Forced Labour Convention, 1957 (No. 105), was ratified by the Slovenian Parliament two weeks ago. Since we place significant emphasis on the application of ratified Conventions in practice, our approach to the ratification of Conventions is selective and based only upon the prior harmonization of national legislation and practice with the provisions of individual Conventions.

The difficulties arising from the restructuring of the economy, fierce international competition and related high unemployment rates have forced Slovenia, along with other countries, to realize that it must carry out essential legislative reforms in the fields of employment, unemployment insurance, labour relations and pension and disability insurance. In this respect we are trying to follow international labour standards, even those which Slovenia has not yet ratified.

Slovenia is striving to establish a macroeconomic framework which will allow for sustainable economic growth and the equal and competitive integration of the Slovenian economy into the European Union. The measures and reforms in preparation in Slovenia must respond to rapid technological, market and political changes around the world. They should accelerate our transition to a market-oriented socio-economic system and assist in the implementation of a developmental paradigm based on the concepts of saving, new investments, human resources, quality, computerization and social security, all of which should enable the quality of life in Slovenia to be improved.

Anticipated economic growth of 4.5 per cent in Slovenia must be achieved, along with at least a minimal increase in the employment rate. Our investments in knowledge as well as in training and retraining of the labour force, in addition to financial investments, will be increasingly decisive for sustainable economic growth. The introduction of the model of European excellence in all parts of the economic and political system requires the implementation of a human resource strategy. In this respect, Slovenia is preparing measures for more efficient investments in research and development and education.

Slovenia is continuing with the policy of providing social security for all its citizens, which is a prerequisite for attaining other economic policy goals and is of special importance in the transition to a market economy. Like other European countries, Slovenia will have to accommodate a high level of protection of social rights and its impact on the competitiveness of the economy. The restructuring of social rights will be oriented towards achieving a more efficient or better targeted social policy. We shall move from programmes providing various passive forms of assistance to the development of programmes for an active social policy, and ensure that there is a suitable correlation between the two. In this respect, we are making an effort to coordinate economic policy measures with social policy objectives.

We are facing the prospect of major changes in the future, not only in the field of labour law and pension reform, but also in the field of employment and social protection. All these areas, which involve a large share of the population, are extremely sensitive and have an effect on the labour market.

Our goals can only be achieved together and within the framework of a tripartite social partnership. The common goals of the social partners, employers, employees and government, are to provide more jobs, reduce the number of the unemployed, enhance job security and guarantee the rights of employees.

Further economic growth and development in Slovenia and greater investment in industry and small and medium-sized enterprises are fundamental requirements for the realization of these goals; only development and investment can provide opportunities to create more jobs and improve job security.

We are aware of the fact that all the social partners play a very important role and share great responsibility in achieving these important goals. Therefore the tasks and measures pertaining to achieving them are defined in our social agreements. Everybody assumes his share of responsibility for their realization.

The results of research and recommendations provided by the International Labour Office, along with the experience of other countries, have proved to be of great help to us in finding solutions and preparing reforms.

Allow me to wish you every success in your work at this session of the Conference.

Original Portuguese: Mr. MAVILA *(Minister of Labour, Mozambique)* — First of all allow me to present on behalf of the Government of my country, the delegation accompanying me and on my own behalf, our sincere congratulations to the President on her brilliant election to preside over the 85th Session of the International Labour Conference. Our congratulations are also extended to the Vice-Presidents who I believe will provide you with useful collaboration.

In today's world full of challenges and uncertainties for the future of humanity, we are well aware of the valuable contribution the ILO can make to social peace, stability and democracy, and to relations between States, regions and international bodies. On this basis, we are sure that we can count on cooperation to help minimize the imbalances caused by the globalization of capital and financial investment markets, and eliminate the differences between the developed and developing countries and the various regions of the world.

We very much hope for international cooperation to complement national efforts for the implementation of the right to development, which implies the development of national skills, allowing for the effective participation of the least-developed countries in the global economy with mutual advantages for their respective peoples.

The Report of the Director-General entitled *The ILO, standard setting and globalization*, as well as the main topics for debate in the present session, encourage us to reflect at length on the answers to the pertinent questions put forward on the occasion of the celebration of the 75th anniversary of our Organization in 1994.

We therefore reiterate now the topicality of social justice as the crucial aspect of social development that must be heeded by us all, the governments, employers and workers within the International Labour Organization, in our struggle against injustice and social imbalances. In fact, as we approach the end of the century, as in 1919 the ILO must focus on the crucial aspects of social development as well as on human dignity, by striving to improve the standard of living of workers and their families, wherever they may be.

It is in the harmonization of nations with tripartite values and in ongoing dialogue with other international bodies, that we glimpse the feasible answers to the challenges awaiting us in the twenty-first century.

The set of standards adopted by the ILO and its supervisory mechanisms constitutes an important contribution to and an indispensable source of inspiration for the civil, political, economic and social rights enshrined in the Universal Declaration of Human Rights of 1948.

In the light of several challenges and justified fears regarding the impact of economic globalization, it is important to stress that, and I quote, "poverty anywhere constitutes a danger to prosperity everywhere". Widespread poverty in most African countries, of which Mozambique is no exception, with high rates of unemployment, a deteriorating standard of living, low salaries, low earnings in medium-sized and small enterprises, particularly in the informal sector and in rural areas, make up a bleak scenario, since it weakens the newly established democracies across the continent, jeopardizes the success of the market economy system, and shrinks the investments indispensable for relaunching the African economies.

The launching of ILO programmes in Africa, as established by the Copenhagen World Summit, aimed at mitigating the negative repercussions of structural adjustment and the heavy burden of foreign debt on employment, human rights, stability and social development, is both commendable and encouraging. The ILO, more than a watchdog in the contemporary labour world, must, through its standard-setting action and supervisory mechanism for the implementation of standards, assert itself as the social conscience of humanity against injustice, human misery, hardship and all the contemporary forms of slavery that one can think of, for the central Conventions and Recommendations are, above all, important tools for the pursuit of the objective of social justice.

Through ILO programmes and complementary actions of cooperation and technical assistance, in active partnership with member States and to the benefit of deprived populations, it has been possible to promote employment, relieve poverty and engage in ongoing social dialogue to promote peace, reconstruction and sustainable development.

In Mozambique, in a peaceful environment and in conjunction with national reconstruction efforts, our

Government is pursuing its programme of enterprise restructuring without neglecting its social agenda, which is closely connected to the process of economic development. Therefore, with the support of the ILO and other development partners, we have reached reasonable levels of social reintegration of the demobilized military and other vulnerable groups of the population, such as the displaced and the returnees, as well as retrenched manpower. Legal and institutional measures are being taken in the main areas of the economy and labour, aimed at reactivating and stimulating local initiatives for employment promotion and increased competitiveness in terms of occupational skills so as to better face the challenges of globalization. In the same way, the new Labour Act, the draft of which was prepared with the technical assistance of the competent services of the ILO, will be considered and approved by Parliament this year. I am convinced that such actions, and other similar ones, will contribute to the consolidation of democracy and socio-economic stability so needed in Mozambique.

Before I close, I would like publicly to indicate how highly the Government of my country, the officials and the technical staff of my Ministry, valued the recent visit of the ILO Assistant Director-General, Mr. Elias Mabere, to our country and how much we value the useful technical assistance we receive in the region.

I would like to wish all those present major success in the deliberations of the 85th Session of International Labour Conference.

Original Arabic: Mr. OULD SIDI *(Minister of the Civil Service, Labour, Youth and Sports, Mauritania)* — On behalf of the Islamic Republic of Mauritania, and on my own behalf, I am honoured to congratulate the President and the Officers of the Conference on their election to preside over the 85th Session of the International Labour Conference. I wish them every success in their work.

I would like to take this opportunity to congratulate the Director-General, Mr. Michel Hansenne, on his Report dealing with the standard-setting activities of the ILO against the background of globalization. We in Mauritania feel that the improvement of the situation of workers through the revision of current standards and the ratification of the core Conventions of the Organization will, no doubt, guarantee greater participation in this era of economic globalization. This was the main theme of the consultations involving Heads of State and Government at the Copenhagen Summit held in 1995.

Our country has introduced a number of measures to develop and improve legislation relating to workers in all spheres, aimed primarily at improving their standard of living.

Following the recommendations of our President Maaouiya Ould Sidi Ahmed Taya, our Government has made this concern the main focus of its national policy, despite the difficult economic situation we are in at the moment. The law relating to freedom of association has led to the enrichment of social dialogue and the creation of a number of trade unions and trade union federations which carry out their activities in full freedom and safety.

The Government has also enacted a number of laws relating to public servants. These laws will guarantee the necessary transparency and will enable public officials to benefit from training. The Government will shortly ratify a bill which was prepared in cooperation with your distinguished Organization. Parliament should ratify it during the course of the year. Our country has ratified the majority of the Organization's core Conventions. We are currently preparing the ratification of the remaining Conventions.

There is a long road ahead of us; the battle is a hard one. However, we intend to win it. We must use the entire potential available to us, use all of our capacities and capabilities in order to attain these objectives. Humanity and its future depend on this.

In this connection I would like to mention my country's concerns with regard to the situation of Arab workers in Palestine and the occupied territories. We severely condemn Israel's policy of occupation in the occupied territories.

To conclude, I would like to express the wish for all countries throughout the world to show greater solidarity in our struggle against underdevelopment, in order to achieve justice and open new horizons, both for our generation and for future generations.

Ms. STEFÁNSDÓTTIR *(Employers' delegate, Iceland)* — First of all I would like to congratulate the Officers on their election.

The issue of the ILO's standard setting in a rapidly changing world, which the Director-General deals with in his Report, is of vital interest for the future of the ILO. On behalf of the Confederation of Icelandic Employers I welcome his open and creative discussion on standard setting and the analysis of its present crisis of low ratification rates and a lack of consensus, and its possibilities for the future.

In our opinion, it is most important to maintain a relative consensus on the standard-setting activity among the three parties which are the players in the ILO's tripartite system. Otherwise this unique system will fail. Our task is to make the ILO better and more result-oriented. The present lack of balance is, to a great extent, due to working methods and governments which, as the Director-General rightly points out, vote with the workers for the content and adoption of Conventions, without any intention to ratify the resulting instrument.

I also agree that there is a clear need for a more targeted choice of subjects for proposed instruments. The decisive factor must be the added value of an international instrument, and only this, not the immediate need to place a new subject on the agenda of the Conference every year. A total of around 150 Conventions subject to ratification is not convincing.

Another serious problem is the content of the Conventions. They have tended to be too detailed, far-reaching and inflexible to be able to reflect the wide scope of culture and economic reality in the member States.

The proposal by the Director-General to resort to the use of Recommendations instead of Conventions by restoring their autonomous nature is therefore very positive. The Recommendations would serve as guidelines for legislation and administrative praxis. At the same time, the Director-General envisages a follow-up praxis, much in the same way as for ratified Conventions. In this respect I would like to point out that an extended use of reports can easily be an administrative burden for small nations like Iceland.

The Director-General's Report also deals with the question of fundamental rights, based on certain existing Conventions, that should be guaranteed for all workers. In my opinion this can only be done on a voluntary basis. I take the liberty of doubting that a new interpretation of the Constitution, at this stage, will be considered legally binding by all member States.

I am also doubtful about the idea of a special supervisory mechanism applicable to fundamental rights.

The same applies to the possibility of instituting a social label. Such a procedure seems to be open for use in a protectionist manner.

In conclusion, I would like to stress that all ILO standards concerning relations between workers and employers, including those focusing on fundamental rights, must be in line with contemporary thinking and consistent with economic reality, and therefore open for revision. Unconditional protection of the existing system will only hamper development and social progress.

Original German: Ms. ARO *(Minister of Social Affairs, Estonia)* — On behalf of the Government of Estonia I would like to congratulate the International Labour Organization and thank it for the work it has done in recent years. I am very pleased to congratulate the Director-General for his very interesting Report.

Since it regained its independence in 1991 and rejoined the Organization in 1992, the Republic of Estonia has chosen the way of a free market economy and democracy. As proof of recognition of workers' fundamental rights the Estonian Parliament in 1993-97 ratified the basic Conventions on freedom of association, the right to organize and bargain collectively, the prohibition of forced labour and equal remuneration for male and female workers. The Discrimination (Employment and Occupation) Convention, 1958 (No. 111), has been prepared for ratification and I am convinced that Parliament will adopt a decision to that effect this year. The ongoing process of elaborating new labour legislation is a prerequisite for ratification of the Minimum Age Convention, 1973 (No. 138). Therefore, I hope that in the near future Estonia will have ratified all seven core Conventions.

I would like to support the proposal of the Director-General, Mr. Hansenne, to improve supervision of the implementation of the core standards, a process highlighted in its importance in the present world by the context of trade liberalization and globalization of the economy. However, liberalization should not be separated from social development. Therefore, free trade and the increasingly international labour market certainly presume the implementation of the basic labour standards by all countries. Technological progress and the relocation of production make it necessary to improve working conditions, to implement new measures for ensuring occupational safety and health and to promote the creation of new jobs. The harmonization of member States' national legislation with ILO labour standards is one of the prerequisites for the improvement of working conditions and job creation.

The Report of the Director-General promises that the activities of the ILO in the field of new labour standards and the revision of old ones will become even more flexible and purposeful than it has been in the past. International labour standards should allow for implementation in different situations but should also provide for general requirements to ensure a sustainable working life. The best way to strengthen the supervisory system might be the adoption of a declaration enacting a general agreement as an explanation of different possibilities of improving the existing supervisory system. The adoption of the declaration by the Conference would also be the fastest way to make the supervisory system more effective, while the enforcement of the amendment of the ILO Constitution requires a certain number of ratifications by member States.

As the practice of recent years has shown, only a limited number of countries have ratified Conventions adopted by the Conference in the 1990s. Estonia would like to take the initiative with respect to the ratification process by ratifying the Safety and Health in Mines Convention, 1995 (No. 176). Preparations for submission of this Convention to Parliament for decision are well under way.

Development processes in the economy and structural changes have brought with them new requirements for workers' skills and qualifications, as well as the need to create new jobs. These changes are influencing all countries, enterprises and workers. The task for every government is to ensure that jobs are available to its citizens by using various instruments such as the establishment of a future-oriented infrastructure and active labour market policies and the creation of favourable conditions for investment.

A number of foreign investors have invested in Estonia partly because of our tax policies and our successes. The Estonian labour force has been cheaper than that in the industrialized European countries. This enabled us to avoid mass unemployment.

In a small country like Estonia the development of small and medium-sized enterprises has tremendous importance in employment growth, reducing social inequality and poverty. Therefore, we value highly the ILO's initiative to draft Recommendations on the general conditions to stimulate job creation in small and medium-sized enterprises. To that end the Estonian Government wishes to express its appreciation of the ILO's understanding with regard to the problems that are of great importance for all of us.

I look forward to future cooperation with all of you in solving these difficult problems.

Mr. MOUSHOUTTAS *(Minister of Labour and Social Insurance, Cyprus)* — Standard setting and the International Labour Organization are almost synonymous. Their cardinal aim is to ensure that the fruits of development are equitably shared by all. For this reason I wish to pay tribute to the Director-General of the ILO, Mr. Hansenne, for focusing his Report on standard setting and for drawing our attention to the urgent need for renewing this important aspect of the work of the ILO in the context of a globalized economy.

Bearing in mind the time limitations, I will confine myself to very few comments.

With regard to the first issue, adherence to labour standards in the context of a globalized economy, I would like to state from the outset that my Government shares fully the view that trade liberalization and social progress must go hand in hand. Moreover it welcomes the outcome of the World Summit for Social Development in Copenhagen with regard to the need to freely promote respect of internationally recognized core labour standards, which was reconfirmed later by the Ministerial Conference of the World Trade Organization in Singapore.

With the recent ratification of the Minimum Age Convention, 1973 (No. 138), Cyprus is now bound by all the Conventions which guarantee fundamental rights. Ratification, and more importantly application, of these core Conventions by all the ILO constituents is definitely a lofty goal to which we should aim.

It seems to me, however, that this goal can only be attained if the non-ratifiers of these Conventions come to recognize that progress and social justice constitute sound investment for stability, which is an essential prerequisite for the long-term competitiveness of the economy.

The view taken that the partners in the open world market should "play the game of social progress" fairly is correct. The question of how this can best be achieved requires further elaboration and discussion. The decision, therefore, to sound out all the ILO constituents by placing this Report for open debate at the Conference was an excellent one.

My Government is keenly interested in hearing the views of other member States with different socioeconomic backgrounds and at different stages of economic development. In principle we are in agreement with the proposal for the adoption of a declaration accompanied by a follow-up procedure. In seeking, however, a guarantee of greater universality for fundamental rights, care should be taken not to undermine other rights or to neutralize the comparative advantage of countries which, though not having ratified the so called-core Conventions, are genuinely striving towards this end.

Turning to the issue of future standard setting, we endorse fully the diagnosis that there is a pressing need for strengthening the relevance and efficiency of future ILO standards through a more judicious choice of subjects, the introduction of an overall evaluation procedure and a more systematic use of the range of tools available under the ILO Constitution. For it is only through enhancing the credibility of the standard-setting activity that the view that the latter is an obstacle to economic efficiency and development can be dispelled.

Before concluding, I would like to reiterate that the welfare of the people should always be our first priority. The Government of the Republic of Cyprus has consistently assumed that liberalization and globalization are conducive to economic development, provided that their social aspect is not neglected. It is our firm belief that social equity is not simply compatible with growing prosperity, but is indeed a prerequisite for it. Cyprus has tested and verified this close relationship between social and economic development.

Let us hope that this Conference will prove instrumental in strengthening solidarity among ILO constituents and enhancing the realization that it is our collective responsibility to safeguard standard setting and to support the efforts of the ILO to ensure its qualitative advance in the context of a globalized economy.

Mr. RIMAL *(Workers' delegate, Nepal)* — It is my honour and a privilege to convey my own greetings and congratulations of the General Federation of Nepalese Trade Unions to the President on her unanimous election as President of this 85th Session of the International Labour Conference. May I also congratulate the Director-General and his team for the Report entitled *The ILO, standard setting and globalization.*

In association with the various social partners, the Office of the ILO Senior Adviser in Kathmandu has prepared country objectives for Nepal. It has set up four objectives: promotion of employment, poverty alleviation, improvement of industrial relations, elimination of child labour and improvement of working conditions and occupational safety and health at workplaces. We endorse the objectives. In this connection we would like to mention the Workshop on Employment Strategy for Nepal, held on 23 January 1997 in cooperation with ILO ACTRAV. As suggested by the workshop, our view is that policies of structural adjustment, trade liberalization, privatization and attempts to attract foreign capital investment have so far failed to generate substantial improvements in the Nepalese economy or the labour market. Macroeconomic stability remains threatened, export performance has deteriorated and public investment remains inadequate. In addition, underemployment and poverty continue to increase.

It is worthwhile to mention that the world leaders who attended the Copenhagen World Summit for Social Development had committed themselves to creating high-quality jobs in order to improve the quality of life. This entails the implementation of international labour standards, the promotion of tripartism and the elimination of all forms of labour exploitation. However, on the threshold of the twenty-first century there is still a residue of the medieval slavery system in Nepal! It is a shame to have to spell this out, but the bitter reality can be observed in five districts of Western Terai. It is called the *Kamaiya* system. I am referring to those agricultural workers who are under debt bondage from generation to generation and who do not get any wages for their hard labour. Moreover, the women and children from the *Kamaiya* families are extremely exploited in an inhuman manner. Some of the women from *Kamaiya* families are forced to be a *Worgani*, which is synonymous to a sex slave.

This is a major infringement of human rights and an intolerable characteristic of the Nepalese labour market. Our trade union movement demands legislation be introduced to prohibit this practice immediately. To ensure that the *Kamaiya* system is completely terminated, a strong political will among the parties is essential. It may be necessary for the Government to consider paying debts incurred by bonded labourers and providing them with access to land and training to facilitate their integration into the normal labour market. It is also extremely necessary to determine their wages thereafter. We also call on the Government to ratify ILO Convention No. 29 concerning forced labour and No. 105 on the abolition of forced labour.

In this regard, we believe the effort made by His Majesty's Government of Nepal is very far behind the targeted objectives. For example, we do not know what problem has prevented our Government from ratifying ILO Conventions Nos. 29 and 105. We feel the reason lies in the lack of serious commitment to this line of thinking. We would like to signal our reservations on reports sent back by the Government on the ratification of Conventions Nos. 29 and 105. We would like to express our disagreement on the so-called skill training programme, the only initiative of the Government in the name of the liberation of *Kamaiyas*.

Child labour is another intolerable labour practice in my country. Two years ago, from this very rostrum, I declared the position of the Nepalese trade union movement. There is a distinction between the traditional employment of children as unpaid family workers in agriculture and some other cottage industries and the more recent expansion of child labour in the manufacturing of carpets, the hotel and service sectors. Clearly, exploited forms of child labour must be the primary focus of attention. We acknowledge the contribution made by the ILO IPEC programme and also efforts to intensify the elimination of child labour. However, child labour cannot be eliminated in the real sense, as we believe that unless production methods in our agricultural sector do not change, new jobs will not be created for those underemployed and unemployed adults whose children are being forced to work.

At the moment, in tackling the problem of child labour, we recommend there should be no new recruitment of child labourers. Where children are removed from their work, a scheme should be established to ensure incomes are maintained or training is provided to adults in their families, to open up their employment prospects. Children removed from their work should have vocational training opportunities. This comprehensive effort requires considerable resources; resources that a developing country like Nepal does not have. The international community therefore will have to continue its cooperation to help Nepal address the child labour problem. In this connection, we ask that His Majesty's Government of Nepal ratify Convention No. 138, and we look forward to the ratification of some of the other Conventions, including Conventions Nos. 87, 141, 110 and 157.

The entire working population of the globe is suffering under the globalization process. The "gifts" of globalization to the working community are contract labour, hire and fire employment, casualization of work and "no-work-no-pay", labour mobilization, etc. We have encountered many more instances of casualization of work, including the "bogus contract" system of the Pacific region. At a time when capital is demanding and justifying the policy of hire and fire employment, it is a legitimate right of labour to demand and bargain for job security. Thus, it is time to discuss and prepare a new ILO instrument on contract labour. We would like to express the support of my Confederation to the proposed Convention and Recommendation on contract labour. We would like to request the distinguished delegates to extend their support to ratify this Convention.

Original Spanish: Mr. AYALES ESNA *(Minister of Labour and Social Security, Costa Rica)* — I take this opportunity to greet and congratulate the President of this session of the Conference on her well deserved appointment. I wish to use this universal forum to share with you the following thoughts.

The globalization of the economy is confronting us with a situation which, like the mythological god Janus, has two faces, one shining and bright — the face of progress and well-being, the other dark and ugly — the face of poverty and exploitation.

While a football or basketball player earns millions of dollars for allowing an item of sporting equipment to carry his name, the people who make these articles, sometimes children who have not concluded the first cycle of education, earn a few cents an hour and have to live on less than two dollars a day.

The globalization of the economy, the opening up of trade and the freedom of markets in general is not being conducted in accordance with the criteria of solidarity or compassion. So far only a small group in our society and in the international community has benefited from the changes which have taken place in recent times. Unless we face up effectively to the inequalities which are being generated by the globalization of the economy, inequalities which continue to widen the gap between rich and poor, we will be endangering world peace and nobody will be able to guarantee the sustainability of these changes.

We must guarantee to our peoples, and to workers in particular, that the benefits of development are shared fairly. The worst thing that could happen is that the globalization of the economy could be associated with the inequalities or the precariousness which is appearing in our societies.

The effective protection of our workers must not only include the ratification of the core ILO Conventions and their effective application by all the countries of the world, but also the fair verification of their implementation. If economic globalization has caused the borders of national States to fall, making the frame of reference not national economies, but world markets, labour relations influenced by this international environment must be regulated by international labour law, whose fundamental basis should be the Conventions adopted by the ILO. There would be no sense or legal logic to think of an independent national law when labour relations are influenced more than ever before by external factors. How are we going to guarantee the full implementation of the generally accepted principle of equal pay for work of equal value when the price of goods is not only imposed from outside but also varies in accordance with the various labour standards observed in our countries? As long as we do not make progress towards achieving greater homogeneity of labour legislation in our countries, the inequalities will grow and there will be fertile ground for the exploitation of our workers, and thus poverty will become more widespread, with the risk that this entails for world peace.

We do not think it is possible to achieve a uniform level of social protection in all our countries, since this could prevent some from achieving levels of development that could become the basis of subsequent social development. However, that does not mean that we sanction social dumping in any way. We support the proposal of ratifying not only the ILO core Conventions, but also a set of standards which would enable our peoples to live and work with dignity.

We agree with seeking to achieve greater flexibility in labour legislation, with a view to guaranteeing the greater independence of the social partners, so that they can determine by means of negotiation the conditions of work in labour relations, in order to make our economies more competitive.

However, this cannot be interpreted as neglect of protection, or abandonment of the fundamental rights of workers. We do not agree with the social clause in free trade agreements either, nor with the codes of good conduct in production, not because we do not endorse the principles on which they are apparently based, but because they may become barriers to our production imposed by the importing countries. Nor do we agree with the verification of the implementation of minimum labour standards being carried out by private persons or institutions, because their findings may be influenced by discriminatory or protectionist criteria.

As the ILO has given proof of its reliability to all constituents, it is in this jurisdiction that we wish to seek to advance the protection of workers' rights. The application of fair standards will make possible the equitable distribution of the fruits of economic progress, which in turn will guarantee world peace and the sustainability of the multilateral system and the globalized economy.

Original Arabic: Mr. BEYDOUN *(Employers' delegate, Lebanon)* — I have read with great interest the Report of the Director-General of the ILO on *The ILO, standard setting and globalization.* It is exceptional in the way it takes up the question and in the in-depth nature of its analysis.

I would therefore like to express my congratulations to the Director-General and I fully endorse several principles and achievements, in particular the attachment to the role of the ILO and the importance of the respect of instruments and positive dialogue between the social partners, as well as the attention given to the need to protect sustained employment with any global or other social economic context. However, I would like to make some comments.

We support the respect of international labour standards, but we cannot accept that this subject is used by the multinationals as a new means of oppression against the developing countries, as was the case with the preparation of the procedures regulating the WTO, given that the possibilities for exploitation by some multinationals are far more evident than any form of exploitation existing in the developing countries.

Secondly, we are also against the political use of labour standards against small States and against any interpretation of these standards which serves the interests of certain actors in the international political game against others. These standards are above all instruments for social protection, employment and production. In this respect, we invite everyone to work towards this goal and to support this undertaking.

Thirdly, we hope once again to put the emphasis on tripartite dialogue. We would like this dialogue to be the guarantor of a profound and ongoing understanding, in particular through practical measures which the Director-General emphasizes, in order to ensure respect of the fundamental principles mentioned in the core international Conventions.

Fourthly, we are also in favour of specifying the role of the ILO. However, the Organization cannot become a policeman nor a means of division. That is why we advocate the adoption of measures based on dialogue and understanding between workers under the supervision of governments.

Fifthly, we also confirm our commitment to the principle of revising certain texts and the substance of some international labour Conventions. Such a revision seems to be necessary in the light of the anticipated evolution in the social and economic spheres throughout the world.

As a developing country, we feel that the ILO and the other United Nations organizations and agencies serve as a haven for the poor countries and a guarantor of the respect of human rights. That is why once again we call upon all friendly States to assist Lebanon so that we can remain a beacon of democracy and morality in the Middle East and throughout the world.

Israel continues to undermine the will for peace and to violate vast tracts of Arab territories, including in my country and in West Bekaa, despite United Nations' resolutions and international Conventions. Israel continues each day to attack thousands of workers and to do harm to enterprises. These aggressive Israeli practices should be condemned by your Organization, your States and by the international conscience. Efforts should be made to put an end to the aggression and bring about the withdrawal of the occupying forces, in accordance with resolution 425 of the United Nations, in order to protect peace.

In the name of justice and freedom, the citizens of Lebanon appeal to you for your assistance.

Original Thai: Mr. KUNANANTAKUL *(Employers' delegate, Thailand)* — I am honoured to present on this occasion my delegation, and to express our views at this important juncture in the world's economic development.

Thailand and, in fact, Asian countries are often mentioned as a centre of economic growth for the world as a whole. There is some truth in this view. But we shall be among the first to acknowledge that many problems in our Asian countries, many structural and infrastructural weaknesses, will have to be addressed.

In other words, with all our strengths and weaknesses we know we are part of a global community, and we do not feel inclined to divide the world according to so-called Asian values versus so-called Western values. At present we find that discussion sterile and want to move beyond it, in international bodies like the ILO, but also in organizations like OECD, UNCTAD and WTO, seeking communality of purpose.

On our part, as employers, we wish to engage in a meaningful relationship with workers and their unions.

I am happy to mention that in organizing seminars and training programmes, we have had full support from public and private sources, including from the ILO itself.

We applaud the Director-General and the Governing Body of the ILO for the new-found ambition and modesty. While ambition is shown in a few new proposals, modesty is clear in the readiness to review old labour standards.

In the past, labour standards have been sometimes set out in a haphazard way, proceeding through accretion, without sufficient care for costs, ratification, proper follow-up, and without due concern for consistency.

This review of standards will not be easy. If a moment ago I rejected an all too easy East-West dividing line, I still claim that attention must be paid to differences in the cultural and social make-up of the ILO's member countries. Therefore legitimate differences may exist on the question of what belongs to the ILO's "core labour standard".

Finally, let me compliment you, Mr. Director-General, for your combination of ambition and modesty, and express the hope that our 1997 International Labour Conference may benefit the whole world community.

Original Portuguese: Mr. PITRA NETO *(Minister of Public Administration, Employment and Social Security, Angola)* — Allow me on behalf of the Government of the Republic of Angola, the delegation and on my own behalf to congratulate the President and deputies on their election. We believe that under their direction this Conference will achieve the desired results. I would also like to extend our thanks to the Director-General and his staff for the way in which they have sought to promote the principles and objectives of the International Labour Organization in a context of exceptional economic conditions and complex social challenges, in order to preserve values and to promote changes, for the benefit of all persons and to facilitate the enjoyment of their rights and individual and collective freedoms and to assume more strictly their economic and social obligations and responsibilities.

After having followed a long and difficult path, the Republic of Angola is now starting to rebuild, step by step, and in a spirit of serenity, flexibility and wisdom. We are trying to lay the foundation of a solid and lasting peace in a new context of more beneficial and fraternal political cohabitation and create a framework for economic activity which will bring prosperity to all Angolans.

In fact, after the completion of the main political tasks provided for in the protocol of Lusaka, in particular the integration of the members of UNITA into the national parliament, the formation and installation of a government of unity and national reconciliation, as well as the recognition of the political status of the UNITA leader, state institutions must effectively create the basic conditions for public peace and order. All this must be done so that national rehabilitation and reconstruction programmes may be implemented in an atmosphere of trust, compromise and responsibility in order to achieve socio-economic growth, and increased employment for millions of Angolans who were demobilized and physically handicapped as well and the displaced young persons and refugees who no longer have hope or confidence in the future of Angola.

The Republic of Angola shares with other ILO member States the same concern for the status of the world's economy at the end of this millennium.

The imprescriptibility of economic structural reforms and the imperatives of globalization and regionalization are inevitable and force our political powers and legal systems to adopt new ways of thinking and a new world vision. We must stand up to the new challenges and face our new problems by devising creative solutions, which cannot be effective if we neglect human values, our present civilization, our people, their rights and achievements and their dreams and if we do not give due consideration to the demands of competition and full economic involvement.

Social stability and economic order are central values of our time and they are indispensable for economic growth and social development.

In the specific case of my country the required effort is enormous, but we also need urgent external support for the implementation of programmes in the area of vocational training, for more than 85 per cent of the active labour force; in the area of reconstruction and repair of over 65 per cent of the basic infrastructure destroyed during more than 30 years of war; in the area of employment of more than 30 per cent of the economically active population in order to encourage the creation of small, medium and micro enterprises; and in the area of social welfare and occupational safety and health.

This is how a country such as Angola must prepare itself, on the one hand, to face up to the challenges of globalization of economy and trade. On the other hand, we must be prepared to confront the challenges and urgent task of reconstructing and relaunching the economic, social and cultural life of the country.

In the case of Angola this is a critical challenge of highest priority, and we must improve our human resources and institutional capacities.

In conclusion, I would like to express best wishes for the success of our Organization and the hope that employment, economic growth and social justice will become lasting concerns for every member State that wishes to defend the dignity of labour, the upliftment of all citizens and social well-being.

Original French: Mr. ZAJAC *(Employers' delegate, Poland)* — Allow me, on behalf of the employers of Poland, to express our warmest congratulations to the President on her election to chair this session of the Conference. It is my signal honour and privilege to address you on behalf of the Confederation of Polish Employers, and to comment on the report presented by the Director-General.

The present session of the Conference gives us an opportunity to state our position on issues of fundamental and universal concern relating to safeguards and respect for international labour Conventions.

I would like to explain the main functions of the Confederation of Polish Employers which I have the honour to represent at this forum.

In accordance with its by-laws, the goals of the Confederation are, inter alia, to represent the social and economic interests and to protect the interests of employers with regard to their intangible assets, as well as to support employers in the negotiation of collective agreements affecting several enterprises.

The Labour Code contains provisions on the negotiation of collective agreements for one or more enterprises. The right to negotiate the crucial issues relating to labour and workers is therefore guaranteed, through domestic legislation, for employers and trade unions representing workers.

The main objectives are the long-term development of enterprises in a context of industrial peace and the elimination of unfair competition. It is for these two reasons that sectoral structures are of prime importance in employers' organizations. These structures are, however, not often present in the operations of the Confederation of Polish Employers, whereas they are prevalent in most of the European Union, OECD countries and in many ILO member States.

The example of the activities of the Confederation of Polish Employers that I have just given demonstrates the employers' participation in the process of protecting public interest at the sectoral and national levels. These activities are to be carried out in a specific period of time and it is thanks to stability and legislation in force that we intent to achieve these goals.

In this regard, I would like to refer to the Report of the Director-General which very succinctly presents the ILO activities. The Confederation of Polish Employers greatly appreciates the Report of the Director-General at the 85th Session of the International Labour Conference.

The Confederation endorses the promotion of the ratification of the core Conventions. It is also of the opinion that we have to take up, in the form of a declaration, the issue of the rules of transparency declared in the Constitution and in the Declaration of Philadelphia.

We believe that the means to achieving this objective should be in keeping with the spirit and letter of the Constitution. The procedures must be objective and should not take the form of the imposition of economic sanctions. We believe that these procedures must be sufficiently forceful to assert and strengthen the role of the ILO in protecting workers adequately in order to avoid intervention and claims by other organizations and governments.

And we feel that compliance should be ensured by a supervisory mechanism within the framework of a voluntary international structure, such as the International Labour Convention. We also believe that the idea of setting up a commission for the freedom of association, which was previously rejected by governments and employers, should be taken into consideration.

Referring to the second part of the Report, "more targeted standards for a greater impact", we think some of these proposals correspond to the concerns of the Confederation of Polish Employers. In general, we feel that the proposed adoption of standards for a new policy could provide certain legal measures and, above all, a new context of thinking for all concerned. Polish employers also fully support close supervision of the observance of the Convention.

Original Arabic: Mr. ALZOGHBY *(Workers' delegate, Lebanon)* — I have the honour to address you from this rostrum, and this is a great honour, especially as this is the first time that I have done this since I was elected to the head of the General Confederation of Lebanese Workers only a few weeks ago.

I come here with two messages. The first is from the General Confederation of Lebanese Workers that I lead. This Confederation undertakes to respect the noble principles underlying this Organization, namely the principles of freedom, justice, democracy, and dialogue. We trust in these principles and we fully adhere to them. So the second message that I have for you is a message from the workers of Lebanon and the Lebanese people. It is a message of suffering, and of rights and obligations.

You know how much Lebanon has suffered, especially its workers, owing to the destructive war which ravaged Lebanon for 17 years. You know that Lebanon has paid a heavy cost for that war in terms of human and material damage. But now the weapons have been silenced, the war has ended and the web of life is being re-established among all groups in Lebanon. Lebanon is recovering its security and stability and has begun a process of reconstruction. In Lebanon we still suffer from a feeling of insecurity, and this, as you know, is due to the Israeli occupation of the southern part of Lebanon and in the Bekaa valley, in violation of Security Council resolution 425 calling on Israel to withdraw immediately and unconditionally from those territories of Lebanon. You are conscious of the suffering of a peaceful people under occupation, and of what aggression against a small State means. You certainly understand the sufferings of a country whose territory is constantly being attacked brutally by forces which bomb civilians and burn their houses and their crops. The brutal attack against Cana last year bears clear witness to the brutality of the occupying force and to the suffering of our people. Lebanon and its people have a right, through your Organization, to social justice and freedom. We have the right to shout loud and clear for you to help us to deal with this occupation, which is undermining our sovereignty, and the interests of our workers.

This occupation is harming the sovereignty and the daily life of our people, not to mention the achievements in Lebanon with regard to politics, security, reconstruction and development. This is an occupation against the will of international community and against all the noblest principles. It is seriously affecting our political stability, our security and our economy, and our national unity, which has never been as strong as it is today.

Lebanon and the Lebanese people have the right to demand respect for their life, their sovereignty and their moral and national personality. Lebanon has suffered enough from other people's wars on our land, and its people have suffered greatly. I also ask you to help us to live in peace and security and to help us achieve peace, peace based on justice, dignity, equality, and the principles defined by the Madrid Conference and the United Nations resolutions.

We, in cooperation with the Syrian Arab Republic, have always tried to achieve a just and honourable peace, and this is why Israel must stop getting in the way of the peoples of Lebanon and the Syrian Arab Republic. Israel must move towards peace itself, without beating about the bush. We are here because democracy is still our choice, because we are fighting to apply all the international labour standards, because we subscribe to the democratic principles of this Organization.

I would like to refer to the Director-General's Report on *The ILO, standard setting and globalization*. We think that the ideas and directions found there are a useful basis to establish the consolidation of ILO machinery, and to ensure the respect of workers' fundamental rights, an indispensable precondition for social progress, without which the workers could not be certain to obtain their fair share of the fruits of economic progress generated by the liberalization of trade.

However, we would like this Organization to be more dynamic and to show a greater capacity to help us in the fight of the workers to achieve welfare and the freedom of all workers by applying programmes and projects designed to strengthen trade union capacities to enhance human dignity, in view of how much Lebanon has suffered, especially its workers.

Original Spanish: Mr. NEGRON TEJADA *(Workers' delegate, Dominican Republic)* — In the name of the workers of the Dominican Republic, I wish to congratulate you on your election as President of this important session of the Conference. We also congratulate the Director-General on his excellent presentation of his Report to this Conference, which deals with such a fundamental topic for our times, that is the standard-setting activities of the ILO in the era of globalization, for this makes it possible for this world forum to take up the crucial question of the relations between globalization, international trade, and labour relations.

The Dominican Republic is a small country located in the so-called Caribbean Basin on the American continent. However, we have found that the fact of not being a big country really is a disadvantage against the background of new economic conditions and changes in trade, because our political and productive structures are not only affected much more strongly by all these processes of change, but also because the terms imposed by international bodies, such as the International Monetary Fund and the World Bank, are reducing the power of our State to decide domestic economic questions, and are carrying us forward more quickly in accordance with the concept of the so-called "global village" towards integration in an international market, which is completely subordinate to the world's major political and economic power centres.

The changes which are being produced in the Dominican Republic are really striking. In just a few years, less than two decades, we have undergone a radical transformation in the way of producing, exchanging and consuming goods. Up to the mid-1980s, our economy was based on the sugar industry, a manufacturing sector mainly directed towards import substitution, a large agricultural sector, and several traditional service industries which supported this productive structure.

With the impact suffered by this structure as a result of the policies imposed by the International Monetary Fund, and in the way in which we are dealing with the design of a new productive base for the Dominican Republic, we are converting ourselves into a service economy, with new emerging sectors such as export processing zones, tourism, trade and telecommunications, which are becoming the main focuses of the Dominican economy, displacing the role which was earlier played by the sugar, manufacturing and farm sectors of the country. Perhaps the best way of explaining this position of the workers in the Dominican Republic is that it is an explanation which has to do with our experience in the export processing zones. We are referring to a production area which had been developed over the past 28 years and at present embraces more than 470 enterprises and 170,000 workers, mostly young women who are holding a job for the first time.

During all this time, our trade unions have fought to obtain recognition of the workers' right to organize freely and to negotiate conditions of work. But we must inform this great international Conference that after almost three decades of trade union activity, and remember we are talking about 470 enterprises, the result has been the organization of 90 trade unions, many of which do not function because the employers subject them to special pressures, or simply prevent their leaders from carrying out their trade union activities. So far, only eight collective agreements have been signed.

We have presented this report to this Conference on the situation in the export processing zones to underline an even more striking fact. In the case of the tourism, trade and telecommunication sectors, which as we said are at present, and increasingly, together with the export processing zones, the strong points of the Dominican economy, the situation is worse with regard to wage protection, social security and employment, and in the organization of trade unions.

The other side of the coin is the situation of the traditional structure of the Dominican economy, especially the sugar sector and the manufacturing industry, which have to restructure themselves to increase their efficiency and productivity in order to participate with some prospect of success in the competitive market of our day. They are producing and proposing changes which threaten the systems of work and the acquired rights of workers.

To all this we have the case of thousands of small and medium-sized enterprises, the sector which generates most jobs in an economy like ours, many of which have gone bankrupt or simply closed down because of the impossibility of competing with imported goods of much higher quality at lower prices.

The result of all this is an increase in unemployment and in the precariousness and informal nature of work, which leads to higher levels of poverty and social marginalization, as well as to higher levels of concentration of wealth.

It would be unjust if we did not recognize some positive elements since the last session of the ILO Conference, which are rare points of light, which are lost against the background of the terrible situation of workers in the Dominican Republic. Here we would stress the debate on changes in the social security system, with a view to preparing a proposal with the support of the trade unions, the employers and the Government. The creation of a national employment commission, which is at present preparing its conclusions, the commission on reform and modernization of the State, and a greater readiness of the country's new authorities, which took power eight months ago, to meet with representatives of workers and listen to and discuss our requests — all this strengthens tripartism and that is precisely the spirit of the ILO.

This is the picture of the development of the Dominican economy and its impact on labour relations. We are sure that the results of this Conference will open up new possibilities for us to fight to find solutions to these problems. It is important to construct the new world announced with the advent of the new century on the basis of societies of the hungry, the needy and the marginalized. If we are going to take a leap forward towards higher levels of civilization, it is necessary that development must be comprehensive, incorporating the sectors which have thus far been excluded, and the decision-making process must be participatory, including everyone. In short, the need is to democratize globalization.

(The sitting adjourned at 7 p.m.)

Seventh sitting

Thursday, 12 June 1997, 10 a.m.

President: Ms. Keltošová

ADDRESS BY MR. JAMES T. WOLFENSOHN, PRESIDENT OF THE WORLD BANK

The PRESIDENT — It a great pleasure for me to open this sitting by welcoming Mr. James Wolfensohn, who is the first President of the World Bank to address the International Labour Conference.

The globalization of the world economy and the challenges it poses not only to governments, employers and workers, but to society as a whole, necessitate a new look at the activities and functioning of both the World Bank and the International Labour Organization. We consider ourselves lucky that at this crucial moment in history the leadership of the World Bank is in the hands of the person who shows in both word and deed his moral and social commitment to putting the human being in the centre of development and to engaging in the creation of a better world for everybody.

Mr. President, since you took office in June of 1995 you have visited about 50 countries because you believe that the work of the World Bank cannot be carried out from an ivory tower but only in close cooperation with those whom it is to serve. The contacts you made during those trips further deepened your awareness of the need to ensure that economic development goes hand in hand with social development, and above all with social justice.

We understand that you want the Bank to become less preoccupied with the number of loans it approves and more concerned with how much its projects help improve conditions in those countries which are its customers. To achieve this goal you do not hesitate to send your top managers on training courses, including experiences in the field where instead of hotels they have to live in the poorest areas with local NGOs. To do this it takes an exceptional person who has a vision and dares to translate this vision into reality. We are therefore looking forward to your address with great expectation.

And now, President Wolfensohn, it gives me great pleasure to invite you to come to the rostrum and address the Conference.

Mr. WOLFENSOHN *(President of the World Bank)* — Madam President, distinguished delegates, ladies and gentlemen. For a poor banker from Washington this is an overwhelming experience. I am full of admiration and praise for you. You have so organized your conditions of labour that you can come to Geneva every June for three weeks, something that I have failed to do in the Bank. I am therefore anxious to learn from you, Madam President, and from the Organization, so that I can improve our conditions.

We labour away in Washington most of the time, those of us in management, but we do — very much as you said — have the opportunity to get into the field and to look at what the common conditions are that are facing us in this world today. We recognize that last year here in your meetings you determined that the ILO should strengthen its ongoing dialogue with the Bretton Woods institutions — as you said, "with a view to promoting a better mutual understanding of the interrelationship between economic, social and employment policies". You went on to talk about the social partners' raising of quality and quantity of employment, adequate compensatory programmes and social safety nets. And you further addressed the issue of the implementation of the fundamental labour standards which you are addressing here at this meeting, and enhanced technical cooperation.

Let me say to you it is with great pleasure, and with gratitude to Michel Hansenne and all our colleagues in the ILO, that in this last year we have fulfilled your request. The relationships which have been going on for years between the Bank and the ILO have indeed been deepened and strengthened, and we have the opportunity to work together, have mutual visits with each other, both here and in Washington. We have established some work programmes, including joint studies on reform of vocational education and training systems, on the labour-market impact of export processing zones, and joint workshops for trade unionists on labour and development issues; and we look forward to closer cooperation in the future.

So I would say that we are engaged in this joint endeavour, not only because of your admonition that we should do so but because of the recognition also on our part that the problems that we are facing and the opportunities that we are facing cannot and should not be faced alone.

As you know, the Bank is a different institution from your institution. We are differently composed. We have 180 shareholders and we were established some 50 years ago, initially to meet the needs of a post-Second World War world in terms of reconstruction. We mutated from that and took on increasing challenges of development — challenges of development that have increased in their size and in their diversity— and our institution as well has increased in its size and its diversity. The Bank now has a balance sheet of 150 billion dollars. We lend about 15 billion dollars a year. We have another instrument called the International Development Association (IDA), which deals with the poor countries, countries that have a per capita income of less than 2.50 dollars per day. We have an institution which deals with the private sector, the International Finance Corporation

(IFC), because of the importance that we recognize the private sector to have. Then there is yet another institution which insures risk, MIGA, the Multilateral Investment Guarantee Agency.

So we have grown in diversity and size because of the needs. Our world is a world of 4.7 billion people, out of 5.6 billion people on our globe. It is a world of 3 billion people that live with under 2 dollars per day, and 1 billion 300 million people that live with under 1 dollar a day. It is a world where there are inequities in which 56 per cent of the people of the world have 5 per cent of the income. It is a world in which there are great differences between countries, the rich and the poor, and great inequities within countries between rich and poor, and those inequities are increasing.

The Bank is not alone in its function as a multilateral financial development institution. Since our founding we have been joined by other institutions, by regional development banks, by bilateral institutions, by an extended United Nations system, by the European Union, by the WTO, by this Organization. So it is that we find that at the official level the Bank is no longer alone, alone with our partner the Monetary Fund, but is part of an axis of international organizations which must work together — must work together because the needs are great.

We in the Bank are focusing our direct and specific attention on poverty alleviation within a sustainable environment. Now our contribution is not dominant; it is important but it is not dominant. In financial terms all of us together in the international field transfer something of the order of 40-45 billion dollars per year. That is a significant amount of money in absolute terms, but in comparison with the needs it is small. The developing world requires 200 billion dollars a year for infrastructure alone, before we talk of social needs and other needs of governmental expenditure.

Another change has occurred of dramatic proportions and that, as you delegates know, is the role of employers, or investors, or the private sector as we call it, which in our world has taken a wholly different position from that of seven years ago. Seven years ago the private sector was half the size of that first official sector. Today, it is $240 billion, five times the size of the official sector. This is a change not just of quantitative proportions; it is an enormous qualitative change. We have a new, enormous player in the field of development. But again there is inequality, inequality based on the decisions of investors to go to those places which are welcoming and where they can make good investments. The result is that 75 per cent of that $240 billion goes to 12 countries, 140 countries get less than 5 per cent, and sub-Saharan Africa gets around 1 per cent.

We have to deal with the issue of the interface between the private sector and development, how it is we can attract the private sector, on what terms that private sector can be attracted. So the Bank is now trying to forge, and has been trying to forge, the sort of partnership which you have embedded in your own structure, bringing together with governments the private sector as well as labour.

That leads me to our third partner, which is civil society. The world that you are in and that we are in, our common world, has changed. It has changed from a world where the majority of the world was not living in a market system. Fifteen years ago we had a billion people living in a market system; today we have 5 billion people living in a market system. Fifteen years ago one person in four was living under some form of democratic government; today two-thirds of the countries are under some form of democratic government. With a market system and with the developments that have been taking place, we have a situation today where we have a burgeoning of civil society. In that civil society proud and of long standing and great importance, is the trade union movement, organized labour, along with non-governmental organizations which have proliferated enormously.

This is an interface that the Bank must have and which, again, you have already in your institution. It is an embedded link which the Bank must have, not only with employers or the private sector, as we call them, but also with civil society including labour. So we have found ourselves now in a situation where, as we face the world, we have the same partnerships that you have.

We also have a fourth partner, which is of course the partnership with governments. Because we are very conscious of the fact that the projects and the ideas that we have are only relevant within the context of government policy. Our clients are the governments. It is through governments that we operate. We are not an independent entity. The projects of the World Bank are not World Bank projects. They are projects of Equatorial Guinea, of Gambia, of Georgia, of Ghana, of Brazil. They are their projects, they are not our projects. So we have the additional task of working with governments to try and develop and assist them in their development of the necessary skills and competencies and experience with which they can deal with the issues that face them. So we are part of a new partnership.

Let me say immediately, Madam President, that my reason in coming here was to demonstrate to you the importance that we at the Bank place on the relationship with the ILO and, through it, with its participants, with the governments, with the private sector, with the labour union movement. That is not said casually, and it is not said because I am here; it is said because it is a reality. It is a reality that we need to face in a world of 4.7 billion poor people, who within another 30 years will be 8 billion people. It is also an economic reality. This world is a world that represents 17 per cent of the world's gross product; and in another 30 years it will reach something like 30 per cent of the world's gross product.

The developing world in which the Bank deals is the fastest-growing sector of society growing at 6 per cent plus a year, double the OECD rate. It is a world which in purely economic terms we have to include in one world. In fact, the notion that we have two worlds is a foolish notion. We have one world. We describe it in terms of developed and developing but they are inextricably linked, and proudly linked, in economics, in environment, in health, in migration, in crime, in drugs, in food, in war. There is no way of absenting yourself from that world. What we are seeking to do in the Bank, as you are seeking to do, is to try and recognize that the rights of people around the world are dear wherever they are, and that the issue of equity and social justice is an issue that we face wherever we are.

In our work in the Bank we extend to many areas in which you here, in the ILO, are involved, but we work somewhat differently. We start from an economic and development point of view, that is our mandate. When it comes to something like labour standards we cannot make decisions as an institution of the Bank without the approval and support of our governments. Those of you who represent governments here can appear in another guise on my Board. It is not such a large gathering, but I sit with a Board that meets twice a week and represents 180 countries; and I have 24 resident directors.

Those of you who are employers here will understand that that is not an easy life, and those of you who are representatives of governments will understand that that is the way it works. I am an employee, I am an employee of this government body and my policies are their policies. What I can do, of course, is to try and push it a little bit this way and a little bit that way. And we act also as individuals.

One thing which we have come to in recent years is an absolute recognition that, unless you have sound social policies, you cannot have sound economic policies. That is crystal clear. Unless you have a solid base with the people, unless you are concerned with the rights of the individual, unless you are concerned with elements of social responsibility and social justice, you cannot have peace and you cannot have safe investing. That is a very straightforward conclusion, and it guides us and it guides the work of the Bank. And in that sense we coalesce and complement very significantly many of the things with which you are dealing in your Organization on a day-to-day basis.

I was just jotting down last night as I was thinking, in terms of this gathering, of the sort of things that we are involved with. It is not a comprehensive list, but I just wrote down the role of the State — how we deal with issues of capacity building. Here I am happy to say that in the last year, under the leadership of our African governors, we have come up with a plan on capacity building which we are happy to support. But it is not our plan; it is an African plan, as indeed it should be. And a highly remarkable document it is.

I was thinking, too, of our work in health, our work in health that does not deal just with health requirements — important as they are as a social benefit in the workplace — but with the fundamental issues of 800,000 people dying each year from malaria, of 2 million people dying each year from tuberculosis, of some woman dying every minute from something related to pregnancy, of trying to get away from onchocerciasis, or river blindness, which we are jointly eliminating in Africa, of Guinea worm, of a variety of essential health issues; all this before we even get to the question of equity and distribution of health care services throughout a country in which we are deeply involved — issues of family health, issues of taking health out into the field to try, in poor countries, to give people the right to a healthy life, to try and save 500 million people from mental retardation because of food problems.

Then there is the issue of education, which is absolutely fundamental to the whole centre of the development experience — something which is well understood by your Organization. We have 130 million children who are not in school, 70 per cent of them girls; and if we get them to school we cannot keep them at school. We have issues ranging across the world where we are trying to create programmes and curricula which can, in fact, add benefit to the kids that are in school and allow their parents to feel that they should be in school — where they have parents, that is, because we have to deal with tens of millions of street kids that have no family structure.

Then we move up the education scale to the secondary systems, and to the system of education in trades and work for the workless. These are areas in which we are involved; we are spending US$2.5 billion a year just on education, throughout the world.

Then there are the systems of justice — trying to see that development occurs within the framework of the culture of the countries in which we are operating. We are not a bank that wants to try and impose some centralized system of culture or development. We have to respect the cultures, in which we are operating. We need to support and nurture the cultures, and we need to learn from the cultures. There is no way that we can teach family values to African villagers, there is no way that we can seek to impose culture on countries in the Far East that have existed for millennia, nor should we try. We need to act within the context of the culture and history of the countries in which we are operating. We need the sensitivity to build from within, to build within the framework of something that exists.

We have to deal with financial systems which are vulnerable throughout the developing world and without which we cannot function and cannot have development, nor investment, nor safe employment; because, if the financial systems go, there is no way that any set of conditions is going to allow for continuous employment with a basic set of rights.

We are looking at privatization, we are looking at corruption, we are looking at environment because we share the globe on which we are working. We are looking at infrastructure, we are looking at debt — the problems of debt overhang which apply to many of the countries represented in this room. And we are working in post-conflict situation in Gaza, in Bosnia, in Africa, in the Lakes district. We are looking at problems of water, we are looking at issues of women's rights which are affected. We are looking at the issues of children.

I give you that catalogue because you should understand that the Bank is really involved in so many of the dimensions that you here in the ILO are engaged in, but we are involved in a peripheral way to many of the central thrusts that you have. But if we fail, you fail. Unless we can create the conditions in countries on which labour can build and employers can build, your debate is meaningless. So we need to work together in the way in which we approach this tremendous problem of development.

That is the sort of institution we are. It is an institution that is concerned about the individual, that is concerned to give a better life to people throughout the world, that is concerned to protect fundamental human rights; and, most importantly, it is an institution that hopes for peace and security for our children.

We are not, as many of you here think, a financial institution that is simply concerned with structural adjustment and getting its money back. I do not wake up every morning and order my colleagues to see how it is we can make the world less well off. We do not try and develop programmes which adversely affect any sector of society. Our objective is the same as yours; it is to bring a better life.

I also want you to know that we are not dogmatic. If I have learned anything in two years, it is that all of us face a very, very difficult and complex problem. I do not think, with all respect, that any of you have the total answer to development, any more than I have. What it is is a process that we need to go along with, a process of adjustment, a process in which we need to interface with each other.

We do not have a Washington-based consensus, and we are not trying to influence the internal politics of the countries in which we are operating. I say we are not because we are not allowed to — even if we wanted to, our Board would not permit it. But also it is not proper. What we are expected to do is to give the benefit of our experience and to work with countries in the development programmes that they are seeking to establish in their own countries.

Together we need to face the future of a world which is getting bigger, where poverty is increasing and where the environment is deteriorating; and we need to do it together.

I believe there are many elements in what you are doing that complement and coalesce with what we are doing. We respect the expertise of the ILO, we build on it and we have worked together with you. I have to say to you in all candour that in the past I do not think that the relationships have been deep enough or sufficient to face the sort of challenges that we are facing.

I am very proud that in this last year we have taken a step forward and, indeed, I look forward to a strengthening and deepening of the relationships that we have between us. We have to set priorities, we have to set achievable targets, and we have to set ourselves a framework in which we can judge our effectiveness. We have to get away from theoretical exercises, from mutual expressions of goodwill, to targets, to re-evaluation, to focusing on projects on which we can work together and report back on the basis of our experience. Our experience will undoubtedly be in some cases great, and in some cases less than great. And we should expect both because we should have the courage to move forward, to experiment and to take on issues which none of us have faced before.

I have concluded my two years with a great sense of humanity. What I have learned in my visits to 55 countries is that people are not very different. They may be different in terms of their economic circumstances and their history, but fundamentally they care about a set of human values which is built around family, which does not want charity, which wants opportunity and which wants fairness and justice. Whether you are in a village or in a slum, when you talk to parents they want their kids to have a better life. When you talk to them, they are not asking for a handout. What they are asking for is a chance; and when they see that people in government or in the private sector are benefiting at their expense they get mad.

People can sustain poverty if they have got some hope. What they cannot do is sustain poverty with inequity, when they see others getting rich and them not advancing. Those are things which I have observed as common values, not as a distinguished economist, not as an anthropologist which I am not, but as someone who has just been around and seen. And all of you understand it and all of you can relate to it.

Our task in the Bank, and your task in the ILO, is to ensure that we give these individuals a chance, that we give them a chance for freedom, that we give them a chance of economic opportunity and that we give them a sense of justice and a sense that the social environment in which they are operating is fair.

In that sense we are absolutely linked, the aims of the ILO and those of the Bank. The way in which we work is different but the complementarity is clear. Madam President, I look forward very much to working with you, with the staff and with all the delegates in the months and years ahead. *[Speech as delivered]*

The PRESIDENT — I believe that I can speak on behalf of all the delegates present at this session of the Conference when I extend a word of thanks to you, Mr. Wolfensohn, for the most challenging message that you have just delivered.

Not so long ago, it was rare to hear a representative of a financial institution stressing the need for social development. Yet you want to ensure that certain fundamental values, including social justice, do not wither away as a result of the economic rationale of globalization.

As you know, the promotion of social justice has remained since 1919 the first and foremost mandate of our Organization. After your encouraging words, we are confident that the World Bank is now an important partner in promoting this mandate. We are convinced that cooperation between the World Bank and the ILO will be beneficial to all of our constituents. Once more, thank you very much Mr. Wolfensohn.

(The Conference adjourned at 10.30 a.m.)

Eighth sitting

Thursday, 12 June 1997, 10.30 a.m.

President: Mr. Ramírez León

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original Spanish: The PRESIDENT (Mr. RAMIREZ LEON) — We shall now resume the discussion on the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. KOBAYASHI *(Vice-Minister of Labour, Japan)* — First, on behalf of the Government of Japan, I would like to offer the, President my most sincere congratulations on her election to the presidency of the 85th Session of the International Labour Conference. I am convinced that under her leadership, with her extensive knowledge and wide experience, this extremely important session of the Conference will be a very fruitful one.

At the World Summit for Social Development held in March 1995 a great step was taken in the field of international labour standards, and at the WTO Ministerial Conference held in Singapore in December in 1996 it was confirmed that, after identifying the ILO as the competent organization for establishing and managing the core labour standards, positive support should be rendered to the ILO's commitment to the promotion of labour standards.

It is very opportune to discuss the issue of the promotion of international labour standards at this session of the Conference, in which delegates of Governments, Workers and Employers from member States gather, and I wish to pay my respects to the Director-General for the Report, in which various useful proposals have been made on this issue.

We must now make the ILO's efforts advance towards the promotion of international labour standards. I wish to express our opinion that, whatever difficulties there may be, the representatives of Governments, Workers and Employers of the member States should pool their wisdom in the spirit of dialogue and cooperation and explore measures for the harmonious solution of problems. Japan will participate actively in such discussions.

In doing so we should remember that the situation of each member State is different, reflecting different stages of economic development, and that for this reason effective assistance from the ILO will be sought to meet the various needs of the member States regarding the issue of labour standards.

I consider that for progress to be made it is necessary to show in clear and plain terms the objective which we should achieve in the promotion of fundamental international labour standards. I hope that discussions pertaining to this will be deepened in future.

At present, discussions on the issue of "strengthening the supervisory system" are under way at the Governing Body, but no consensus has been attained among the member States.

A periodical report on the social progress in the world by the Director-General and some proposals including tripartite consultations on the basis of that report have been made in his Report to the Conference this year. I hope that further constructive discussions will be made and that a consensus will soon be reached.

In any case, we need to make a realistic choice of concrete means to promote international labour standards. I consider that not only the setting up and the supervision of standards, but also a comprehensive approach, including technical cooperation, are important to ensure that the standards function effectively, particularly in developing countries. For instance, further efforts should be concentrated on the strengthening of institutional and administrative foundations through the diffusion of the knowledge and experience required and the training of specialists.

Japan is determined to make every positive effort for progress in this field and the formation of consensus by member States for this purpose.

The ILO is currently under severe financial constraints. Under these circumstances the ILO is expected to make efforts to utilize effectively its limited financial and human resources for the achievement of its objectives and reform its services and organization to meet new needs appropriately. I firmly believe that if the ILO can successfully cope with this challenge and achieve its own reform, it will be able to maintain and enhance its honorable position in the twenty-first century.

Before closing my remarks, I would like to express the hope that fruitful discussions will take place in this Session based on the Director-General's Report. I also wish to affirm that my country will make further efforts toward the fulfilment of the important tasks and sound development of the ILO.

Mr. LWIN *(Minister for Labour, Myanmar)* — It is indeed a privilege for me to have an opportunity once again to address this august assembly.

On behalf of the Myanmar delegation and on my own, I have the honour and pleasure of congratulating the President on her unanimous election to the presidency of the 85th Session of the International Labour Conference. It is truly an expression of our implicit confidence in her ability to steer the deliberations of the Conference to a successful and fruitful conclusion.

I also wish to congratulate the Director-General for his excellent choice of the theme for his Report to the

Conference. As usual the Report is lucid and it is extremely interesting. It contains valuable observations on matters of great importance. The realistic approach the Director-General has taken to address the problems is an achievement worthy of high praise.

Allow me to commend the ILO for its wisdom in selecting the items to be placed on the agenda of this Conference. We feel that the crucial item is the proposed amendment of article 19 of the ILO Constitution. As many of the existing ILO Conventions and Recommendations were formulated several decades ago, we feel that some of these instruments can no longer meet our present-day requirements. We believe that it is necessary to review these outdated international instruments closely in order that they may be consequently amended.

In this regard, we sincerely feel that this august body should direct its intention and efforts to the needs of the member States, especially those of the developing countries, and to reformulating these outdated instruments while bearing in mind the diverse political, economic, social and cultural backgrounds of member States.

It is a fact that Myanmar has lived up to the stipulations of the ILO Conventions which she has ratified. My delegation deeply regrets that the Governing Body of ILO has decided to form a Commission of Inquiry on Myanmar for non-observance of a ratified Convention. This decision was but the result of a politically motivated complaint made by some Workers' delegates at the 83rd Session of the International Labour Conference, despite the fact that we persistently provide the ILO with complete information reflecting the actual situation of Myanmar.

Last year I made a statement from this rostrum apprising this forum of the political, economic and social endeavours of my Government for the emergence of a peaceful, modern and developed nation. During its tenure, the State Law and Order Restoration Council has made unprecedented achievements in reconsolidating national unity that is putting an end to the armed struggles of some national races which have dragged on for several decades since Myanmar's independence from colonial rule.

Many of the delegates here are aware of the numerous mass media reports about my country. Most of these reports are either specious or fabricated stories emanating from anti-Government circles and expatriate groups who are bent on tarnishing the image of my Government.

It is an undeniable fact that the relentless efforts of my Government have resulted in peace and stability. At the same time significant progress has also been achieved at different stages of the national convention held with the aim of drafting a new enduring state Constitution. This Constitution will ensure national solidarity, non-disintegration of the Union and perpetuation of national sovereignty and will pave the way for the emergence of a peaceful, modern and developed nation.

In conclusion, I would like to stress that our urgent mission is the emergence of a new enduring state Constitution which will secure a truly democratic multiparty political system.

I wish this Conference every success in its deliberations.

Original Arabic: Mr. AL SHO'ALA *(Minister of Labour and Social Affairs, Bahrain)* — In the Name of God, the Merciful, the Compassionate! I would like to offer the President my warmest congratulations for the confidence expressed by the Conference in electing her as President of the 85th Session of the International Labour Conference. I would like to highlight her proven competence and wish her every success in her work.

I share the position adopted by my colleagues, the delegates of the developing countries, who reject the proposals of the Director-General calling for the adoption by the Conference of a general statement on the basis of which the provisions of certain labour Conventions will be applied to member countries even if they have not yet ratified them.

I also support the developing countries in their objection to the proposal according to which an international commercial label is to be placed on products made in countries which observe a group of principles and fundamental rights and which agree to be subjected to international inspection. This would mean that products from the countries which do not yet have that label would be excluded from the privileges of trade liberalization.

In Bahrain we first of all seek to support and adopt policies aimed at attaining a certain degree of balance between social progress and the economic progress resulting from globalization and trade liberalization. We also try to apply measures designed to transform economic improvements gained through trade liberalization into a more favourable social reality from which the ordinary citizen might derive some benefit. We absolutely object to the establishment of any link between international labour standards and global trade agreements and also reject the idea that the Organization should be used as a means to serve the interests of the developed countries at the expense of the developing countries.

Furthermore, these two proposals that we reject could deprive developing countries of their comparative advantages, which assure them of a measure of equality and equity as regards competitiveness, vis-à-vis the tremendous economic development and technological progress of the developed countries. Moreover, if developing countries are prevented from linking their level of social protection to their level of development, they will be prevented from participating in the benefits of globalization and from any future social development.

The developing countries cannot agree to give up part of their sovereignty to the ILO to serve the interests of the developed countries. We must all respect the fundamental principles of the sovereignty of these States and the Constitution of the ILO which grants each State the right to ratify or not ratify international labour Conventions.

The Constitution of the ILO and the Declaration of Philadelphia are perfectly clear. We do not need another declaration to make their objectives more explicit. Instead of doubling up on efforts to explain issues which do not require explanation, the ILO should respect the principle of the gradual application of international labour standards, according to the circumstances and possibilities of each country, look into the possibility of partial ratification of international labour Conventions and carry out the necessary studies to determine whether present mechanisms to supervise the application of international labour standards have proved successful.

Having expressed our opinion on proposals made in the Report of the Director-General, I would like to give you an idea of the policy applied by the Government of Bahrain to achieve a balance between economic and social progress. We would like to lay a solid foundation for a free economy based on market forces and one which ensures social protection for jobseekers, women, young persons, the elderly and the handicapped.

We would also like to stress that economic restructuring policies should include social objectives to make them acceptable to the people, while providing lasting economic development.

Bahrain ensures that in its budget sizeable amounts are allocated to education, health, housing and programmes to benefit young persons. We strive constantly to strengthen the principle of cooperation and consultation with employers' and workers' organizations in order to serve the common interests of the three social partners.

In addition, we occasionally revise our labour legislation to adapt it to international standards, and we seek to increase cooperation between the Ministry of Labour and Social Affairs, the ILO and UNDP.

We would like to express our great appreciation for the help and assistance we have received from these two organizations. We must also stress that progress has been made this year, within the framework of this cooperation, in the form of technical and financial assistance received by Bahrain to set up a new information system on the labour market, to launch a support programme for individual initiatives and to encourage the establishment of small enterprises through the Microstart project.

We would very much like to thank the Director-General, the Assistant Director-General responsible for ILO activities in the Arab States, and the UNDP Resident Representative in Bahrain.

I would like to appeal to the Director-General and to all the Members of this Organization to increase and intensify their efforts to implement the Conference resolutions concerning the protection of Arab workers in Palestine and the Syrian Golan and to condemn the policy of Israeli settlement.

Original Arabic: Mr. AL-TAYER *(Minister of Labour and Social Affairs, United Arab Emirates)* — It is a great pleasure for me, on my own behalf and on behalf of the delegation of the United Arab Emirates, to congratulate the President on her brilliant election to steer the deliberations of this session of the International Labour Conference and wish her every success. We would also like to congratulate the Vice-Presidents on their election.

It is a great pleasure for me to express my thanks and appreciation to Mr. Michel Hansenne, the Director-General of the International Labour Organization, and his staff for their untiring efforts to promote this Organization and for their painstaking work in preparing this Conference and the many reports on the various agenda items. We would also like to thank the Governing Body for the activities they have undertaken in the course of the last year.

The Director-General has devoted his Report to the Conference this year to the Organization's standard-setting activities and globalization. There is no doubt that the drafting of international labour standards, as well as their follow up, ratification and enforcement, constitute the raison d'être of this Organization. The Ministerial Conference of the World Trade Organization (WTO), held in Singapore at the end of last year, confirmed the fact that the International Labour Organization is the body competent in the area of standard setting. We believe that that positive statement from the WTO is an invitation to the ILO to make greater efforts to promote the adoption and ratification of standards — and indeed to monitor their application internationally. This will call for particular consideration of each member State and its specific social and economic systems.

We believe that the present supervisory system to monitor the application of standards and the existing Constitution of the Organization do not call for any fresh measures or new machinery. The system is objective and non-discriminatory; indeed it has gained enormous credibility through the member States.

The United Arab Emirates has, ever since it acceded to the Organization, endeavoured to fulfil all its obligations with respect to international labour standards. In fact, my country has ratified seven international labour Conventions, four of which are core ones. I believe it is very important that my country should continue to do everything it can to cooperate with the International Labour Organization in every sphere that concerns its activities and programmes.

There are many crucial questions on the agenda of this Conference and I am quite sure that the Conference itself, and the technical committees, will pay them every attention. We wish to refer briefly to certain aspects.

First, as regards the report on the situation of the workers in the occupied Arab territories and in Palestine, this Conference, which represents the world's conscience, should denounce and condemn Israeli practices in occupied Arab territories which are only an impediment to peace in the region. We appeal to the International Labour Organization to continue to provide technical assistance to the Palestinian Authority and to ensure that the mission to the occupied territories continues to be sent for as long as occupation continues.

Second, it is a great pleasure for me to support the budget of the Organization for 1998-99 to reinforce the implementation of the active partnership policy and to continue decentralization of the Organization's activities in the field. Specific attention should also be given to administrative and technical training and the translation of documents into Arabic.

Original French: Ms. CISSE *(Workers' delegate, Burkina Faso)* — First of all, I congratulate the President, on her brilliant election to this high post at such an important Conference, and this not only in honour of your country, but more importantly in the honour of all the women who identify with you. Unfortunately, women are underrepresented at this Conference, in spite of the secretariat's insistence on including women in national delegations. It would be good if the published statistics on the percentage female participation at the Conference were to show their participation at all levels.

To return to the Director-General's Report, we find it extremely pertinent for workers and all their organizations, be they from the North or the South. Standard setting by the ILO and the specific problematics of employment are strongly compromised by the phenomenon of globalization which is imposing itself throughout the world, and which no country can escape.

My country, Burkina Faso, is unfortunately among the poorest countries in the world and is in the group of 48 developing countries which only represent 0.4 per cent of world trade. Most of the population of this group of countries have misery, poverty and unemployment as their everyday reality; and, according to the experts' reports, there is no improvement of this situation in sight. This social oppression of the populations and workers of these countries is the consequence of world economic oppression. This world economy tends to make of each man, woman and child, an object that has a price on the market. This is not without consequence on the application of and respect for ILO Conventions.

This is why economic restructuring policies in our countries calls more and more for the revision of labour codes and certain labour legislation, for the sole purpose of attracting foreign investors.

For us, the ILO is our only way out and, by virtue of this, has an important role to play in the supervision, respect and implementation of labour standards. In order to fulfil this role, the ILO should continue and intensify its work in favour of the promotion of the seven key Conventions.

May I also emphasize that although there is no specific agenda item on women for this session, we are convinced that the subjects which figure there affect women very considerably, since they are becoming more and more numerous in the labour market and the world economy, whether in the rural, modern informal sectors. They are the first victims of globalization. New work technologies should bear in mind this new situation and should give new value to their professional qualifications within the framework of the modernization of the economy. The jobs in which women work are precarious jobs, badly paid and without adequate social protection or guarantee.

The policy of employment creation which we have in mind, should not bear on atypical forms of employment nor on the anarchic development of export processing zones. The experience of EPZs has shown the extent to which poor working conditions and low pay for both male and female workers are well below the norms enshrined in ILO Conventions.

Before I end I am happy about the visit of the President of the World Bank for the first time to an ILO Conference. I hope that what he said this morning will be translated into action and practices, particularly among the Bretton Woods institutions because, if the objectives of that Bank are not contrary to the objectives of the ILO, why have the structural adjustment programmes in our countries always caused misery, poverty, new unemployment and so on? Let us hope that together — in consultation, mutual respect and solidarity — we will be able to change the course of events positively by social equality and social justice.

Mr. CALAMATTA *(Workers' adviser, Malta)* — Allow me in the first place to congratulate the President on her election to preside over this 85th Session of the International Labour Conference and to thank the ILO Director-General for his interesting Report on international trade and labour rights, in which he faces us with the challenge of devising measures to ensure that social progress and humane conditions proceed apace with trade liberalization in the globalizing world economy.

To our satisfaction, this is in line with the long-standing demand of the international trade union movement for the inclusion of a social clause in international trade agreements with the aim of eradicating, amongst others, child and slave labour wherever these exist.

One of the items on the agenda of this Conference is the start of discussions for the adoption by the ILO of international labour standards on contract labour. This is of special interest for us because contract labour is a problem which my union, the General Workers' Union, and the other unions in Malta, the Confederation of Trade Unions, have been facing for years in Malta.

The Conditions of Employment (Regulation) Act gives employers the facility to engage workers on fixed-term work contracts in certain circumstances, for example to fill abnormal work orders in the manufacturing industry or to cope with seasonal fluctuations, as in the tourist sector.

These contracts are generally for periods varying from one to three months. But unfortunately certain employers are abusing this facility. There are many instances of workers having their fixed-term work contract renewed regularly year after year, meaning that these employers require the services of these workers permanently and not for specified periods.

Therefore, my union is demanding that where a fixed-term contract is renewed on a regular basis time after time without a break, it should after a year be automatically considered as a contract for an indefinite period.

This is only one of our demands for changes in the Conditions of Employment (Regulation) Act in Malta. This important legislation was enacted in 1952 and needs to be generally overhauled because in many aspects it is outdated and does not respond well to today's labour environment.

The previous government has, since 1993, promised us a new Conditions of Employment (Regulation) Act. But unfortunately nothing materialized. Therefore, I appeal to the new Labour Government, which has been in office since October last year, to take up this task in earnest and carry it out in full consultation with the social partners.

Another important item of legislation which needs to be amended is the Industrial Relations Act of 1976. These changes have now been under discussion by the social partners within the tripartite Malta Council for Economic Development since 1991, and this has taken such a long time because of proposals by the employers to outlaw sympathy strikes and curtail the legal immunity enjoyed by trade unions in respect of damages arising from industrial action.

Today I am pleased to say that the employers are no longer insisting on these proposals and so an agreement on the other matters under discussion now seems to be very near.

One of the last bones of contention still on our hands is the fact that the Industrial Relations Act imposes compulsory arbitration at the request of one of the parties involved in an industrial dispute. We are not happy with this situation, but at the same time we are prepared to give it a try of, say, another two years under two conditions, namely:

(a) the strengthening of the conciliation machinery provided by the Labour Department, the situation now being one where we go into a conciliation meeting with one problem and come out with two problems; and

(b) the provision of safeguards to prevent the Industrial Tribunal from being used as a strike-breaker, because we have had many instances in which an employer does not show good will at the negotiating table and then when faced with industrial action refers the dispute for arbitration by an Industrial Tribunal simply in order to break that industrial action, because it is customary for the Tribunal to call for the withdrawal of all action before the start of the hearing.

Another point I wish to raise about the Industrial Relations Act in Malta is that 21 years after the enactment of this legislation two of its provisions have not yet been brought into effect. These are the right of government employees to refer industrial disputes for arbitration by an Industrial Tribunal and the setting up of a Joint Negotiating Council for the public service.

When presenting this year's national budget in Parliament last January, the Government indicated its willingness to put into effect these two provisions of the Industrial Relations Act following consultation with the unions. We hope that these consultations will start soon and that there will be no further undue delay.

We have put a lot of faith in the new Labour Government in Malta and we feel assured that our aspirations and those of our members will be met satisfactorily.

Mr. ATASAYAR *(Employers' delegate, Turkey)* — I have great pleasure in extending to you all personally and on behalf of the delegation of Turkish Employers, my best wishes for a very successful session. I would also like to take this occasion to congratulate the President on being elected for this session of the International Labour Conference.

I have taken the floor to explain some of our views regarding the globalization process, its implications for working life and the ILO's role in promoting social progress in such a setting.

First of all, I would like to express our satisfaction at the Director-General's topical choice for this Conference, which is extremely relevant to the present circumstances and thus of paramount importance. It is not pure accident or coincidence that the ILO was selected as the main body to observe and coordinate work on these matters following the Copenhagen World Summit for Social Development and the Singapore World Trade Organization Ministerial Conference.

Today, as the developing countries try to get integrated with the world economy by taking advantage of the opportunities created by globalization, it is sad to see that they are accused by industrial countries of social dumping. Furthermore, we do not agree with the efforts to restrain world trade through such artificial arrangements as a "social clause". As the Director-General correctly points out in his Report, "Today, nobody can claim that developing countries are not entitled to the advantages they derive from their wages and levels of social protection which are comparatively lower".

In our opinion, globalization creates millions of new jobs and promotes growth and trade all over the world. We should refrain from imposing various constraints upon countries' ability to have a fair share in this process, in the form of new regulations. As Turkish Employers, we believe that the existing ILO Constitution and Conventions are sufficient to protect the social rights. We are convinced that the efficiency with which the ILO exercises its power to enforce these rights can be increased by taking into consideration the following two points.

First, since trade liberalization and the protection of social rights are closely linked to each other, the ILO should refrain from creating an image that its decisions are close to the policies of the developed countries. In other words, the ILO should be very careful about not giving rise to claims that it is taking sides with developed countries in the competition between these countries and the developing ones. Economic costs of social arrangements are usually higher than expected.

Second, the ILO should try not to get involved in market sharing struggles and discussions among countries. Today, there is a an obvious north-south struggle among countries, which is essentially based on market sharing. The ILO should do its best to avoid any regulations that would result in the protection of the existing market shares of developed countries by bringing about additional social changes that lead to cost increases in developing ones. Such an image might undermine the ILO's authority and decrease its efficiency.

On the other hand, the ILO should bear in mind the following points when exercising its powers:

(1) ILO activities regarding the improvement of working standards should primarily aim at combating unemployment and creating new jobs. It is important that the new social changes which are to be imposed on developing countries do not create additional unemployment.

(2) Conventions and Recommendations should only express general principles, leaving room for national regulations without plunging into details, and should refrain from bringing about rigid arrangements and interventions that impede economic growth and employment. This will facilitate the ratification and implementation of these standards by member countries and meet the need for more flexibility in working life, which is felt by developing market economies.

(3) The existing Conventions and Recommendations should be revised on a permanent basis. Highly rigid ILO Conventions impose constraints on market economies and thus create problems for implementation. Therefore, the ILO supervision mechanism should also be revised in the light of new requirements.

For globalization to bring benefits to everyone, we are compelled more than ever to strike adequate balances between economic growth and social progress. In the final analysis, social protection and wage levels depend on the strength of the economy. This challenging task can only be tackled through dialogue and cooperation at the national as well as international level. We believe that in this respect, the ILO stands in a unique position not only in terms of securing better compliance with its Conventions and Recommendations, but also in creating a permanent mechanism to observe progress and to devise reform. As Turkish employers, we shall continue to support ILO activities aimed at creating a wealthier and happier world.

Mr. ZAINAL *(Workers' delegate, Malaysia)* — Mr. Vice-President, may I, on behalf of the workers of

Malaysia, express my hearty congratulations to you and to the President of this Conference who have been elected to preside over this 85th Session of the International Labour Conference.

In keeping with the fundamental objectives of the ILO, as enshrined in the ILO Constitution as well as in the Declaration of Philadelphia of 1944, it is laudable that the ILO has gone "back to basics" by choosing the theme "Standard-setting Functions of the ILO" for this year's Conference. The theme of standard-setting functions certainly augers well for this year's Conference. As one of the major items for discussion, it is a permanently pressing issue of contract labour.

The World Trade Organization Declaration, duly adopted on 13 December 1996 in Singapore by the economic and trade Ministers of participating countries, has actually strengthened the position of the ILO, although the Director-General did not attend. This is evident from the final text of the WTO Declaration. I quote, "We renew our commitment to the observance of internationally recognized labour standards. The International Labour Organization is the competent body to set and deal with these standards, and we reaffirm our support for its work in promoting them. We believe that economic growth and development fostered by increased trade and further trade liberalization contribute to the promotion of these standards."

The unique and authoritative position of the ILO in the realm of labour has been further strengthened and underscored by many of the Ministers who attended the WTO Ministerial Meeting, notably with regard to the ILO's competence to set and deal with labour standards.

We sincerely hope that all ILO member countries that are signatories to the WTO Declaration will respect their own decision and take the necessary steps to immediately ratify the core labour standards of the ILO and also implement them without any let or hindrance from vested interests.

We are very pleased to inform this august house that the Malaysian Government, through the Minister of Resources, has already implemented the spirit and objectives of the Equal Remuneration Convention, 1951 (No. 100), and the Minimum Age Convention, 1973 (No. 138). The Employment Act, the Children's Act, and the Young Persons (Employment) Act, have helped to ensure equal remuneration for male and female workers, and to streamline and supervise the employment of young persons, respectively. Any hesitation or indifference on the part of the ILO member countries to implement the ILO core Conventions will not only set the clock backwards, but will also impact heavily upon the very future of workers worldwide.

The WTO Declaration has actually brought to focus the larger dimensions of concern on the need to ensure social economic justice through poverty eradication, employment growth and wealth- creation programmes. The end of the Cold War should in all fairness spell the decisive end of exploitation, deprivation and suppression of human rights. The globalization of trade should also bring about appropriate synergies of all-round growth, equity and peace from the social standpoint, not generate misery and misfortune, for workers and their families, perpetrated by rough military regimes and dictators enjoying the indirect support of certain socially irresponsible business enterprises.

The burning issue of child labour, which the International Programme for the Elimination of Child Labour (IPEC) is actively looking into, is one such instance. According to the IPEC report entitled *Children in the Shadows* there were around 110 million child workers worldwide at the end of 1993. We think this figure would have increased to more than 200 million today. Employers offer "blood money" to poor parents willing to sacrifice their children's future for a paltry sum, and the children are bonded to slavery throughout their growing-up years. Despite wide public knowledge on the evils of child labour, it is rather unfortunate that certain vested interests have deliberately misinterpreted IPEC's noble intention as attempts to undermine the extended family system of collaborative labour in developing economies, although IPEC has actually widened and greatly improved its functional scope by including newly developing countries in Asia as beneficiary nations.

Contract labour, which has been discussed in depth this year, is yet another case of the "Heads, I win, tails you lose" situation wherein the big and the mighty bully the small and weak to succumb to their unfair and unilateral demands. We are confident that with the WTO Declaration, which has actually given the ILO more authorization, would enable the ILO to bring about more practical changes and development to the lives of workers in Third World countries.

As the keeper of the international social labour conscience, the ILO should continue appealing to developed and affluent member countries to ratify more Conventions, and urge them to also extend technical cooperation and resource assistance to less developed countries so that these countries will be able to upgrade the living standards of their workers.

Mr. ALEMAYEHU *(Workers' delegate, Ethiopia)* — First of all, I would like to express my deep and heartfelt satisfaction for being given this opportunity to speak to this august body on behalf of Ethiopian workers.

After a new and democratic law was promulgated in 1993, the Ethiopian workers were reorganized in nine national industrial federations and all these federations established their confederation at a higher level. Unfortunately, it did not take long for the leadership of the Confederation of Ethiopian Trade Unions (CETU) to bring the confederation into crisis by disregarding its rules and regulations. A series of endeavours made by the ILO and other friendly labour union movements to resolve the crisis did not meet with any success. This was solely due to the rigid position of the then president of the confederation and a handful of his collaborators who were acting out of political motives which they were pursuing underground. This led to the decertification of CETU and the closure of its offices in accordance with the labour legislation in force.

Further repeated efforts were made to bring about reconciliation among the leadership of the confederation, but all was in vain. Finally, eight of the national industrial federations among the nine that constituted CETU decided and agreed to reorganize the union, and to that end, established a coordinating committee on 3 January 1997.

The coordinating committee, in accordance with the mandate entrusted to it by the industrial unions, carried out its tasks and convened the eighth general congress, that was held from 20-24 April 1997 in Addis Ababa.

The congress discussed the report of the coordinating committee and adopted it. It also adopted the revised draft constitution of the confederation. In accordance with the new constitution, 75 general council members, 3 audit committee members and 14 executive committee members were freely and democratically elected.

The congress finalized its deliberations by passing resolutions and decisions containing six declarations.

Meanwhile, the appeal made by the former CETU president to the federal labour high court as regards the cancellation of the confederation's certificate was rejected by the court in its session of 24 April 1997. The steps taken by the Minister of Labour and Social Affairs were determined to be within the law.

Our confederation has now, more than ever before, the strongest support from its entire membership after totally resolving the differences within the leadership of the confederation.

In closing, the Confederation of Ethiopian Trade Unions would like to call on all national, regional, international trade union organizations and their members to stand by its side in its activities to protect the rights and the benefits of Ethiopian workers.

Mr. JOHN *(Workers' delegate, Trinidad and Tobago)* — May I join with all those before me who have congratulated our President on her election. I think it is a step in our struggle for gender equality and this has opened the doors for quite a number of our colleagues who have been here with us and struggling with us to aspire to higher offices.

Like many other developing countries, Trinidad and Tobago has experienced its fair share of the effects of globalization. Recent governments have found it expedient to take loans from the International Monetary Fund and the Inter-American Development Bank (IDB) and usually we have found that one of the conditions of these loans has been that of privatization. I wish to report, however, a recent experience of our country in dealing with a threat of contracting out and some of the successes we think we have had.

Our Government took a loan from the Inter-American Development Bank to undertake a much needed major overhaul of the road infrastructure. One of the conditions of the loan was that roads maintenance should be contracted out. The effect would have been a loss of over 3,000 road workers' jobs. In a country where unemployment is running officially at about 15.3 per cent, the prospects of those being put out of work finding other employment would have been bleak. In fact the private consultants who were working on the programme described the potential effects, particularly in Tobago, as traumatic. Our union made some important progress when we convinced both our Government and the IDB to look at alternatives to contracting out.

The starting point for us was that we refused to accept what is often referred to as the *new paradigm*. All too often, we were being told by employers and governments that we were faced with new situations in which we had to accept the weakened and more vulnerable position of working people and their trade unions as a permanent feature of the post-cold war world.

We rejected this conclusion and saw contracting out, and all its variations, as no more than the latest attempt to extract more from the labour of workers. In the history of our small country we have experienced slavery from Africa, indentured labour from India and China and now contracting out from the IDB. It was important for us as the trade union to get the correct perspective on what was happening.

The second point is that we took a great deal of time in analysing the proposals concerning contracting out. We took advantage of new technology and reproduced on a computer the financial model used by those arguing for contracting out. We knew we did not like what was being proposed but new technology enabled us to seriously examine the process that was taking place. We discovered, for example, that the costs allocated to labour under contracting out were calculated on the basis that workers would not get any annual leave, sick leave or other benefits. More importantly, it enabled us to test out alternative models in developing our counterproposals.

Our trade union approach to analysing the effects of contracting out was fundamentally different from that of the government officials we were dealing with. We found that they were taking an accountant's approach of just looking at the "bottom line". In other words, what was important for them was to cut labour costs, and the prospect of lower wages and poorer conditions of employment produced by contracting out fulfilled that objective for them.

Our approach was to take a much broader look at the financial consequences and with the new technology available to us to try and cost this out.

What this meant was that we:

- calculated the loss in government revenue (that is income tax and value added tax) caused by dismissing so many workers;
- tried to assess the further loss in government revenue caused by difficulties in collecting taxes from small companies and self-employed workers;
- off-set against the so-called "savings" of contracting out the costs of severance pay;
- raised the need to cost increased accidents at work;
- additionally — and this was a view that we expressed with some vigour — we tried to assess the costs of the social impact of contracting out. By that we mean the financial costs to the community of increased unemployment in terms of increased crime, drug abuse, poor health, domestic violence, the breakdown of the family unit and all those other well-documented effects of poverty.

To the embarrassment of some we were negotiating with, we were able to identify how much had been allocated to the profit of the contractors and put this into our equation too. It is interesting that those who can be so vehement about the need to cut workers wages can get so sensitive about the question of profits.

The important point is that after taking this broader approach, we are able to show that, in this particular case, it would actually be cheaper to keep road maintenance with direct labour than contract it out.

The third part of our strategy was to accept that there was a potential for change in the way in which our members were working. I would emphasize that this did not mean giving the employers a free hand and we would certainly not elevate this to the status of a principle. All we were saying is that in our particular case we saw the need for a change in work practices. While this may not always be possible we found that by accepting some change was necessary we were able to control and influence that nature of those changes that did take place. What we did, however, was to take the position that the benefits of any increase in productivity should be shared with our members — the people that were actually producing that extra work. This was important to us as is the question of "effort bargain" — that is what we have to do for what we get paid — into the collective bargaining arena.

Currently, we are negotiating the introduction of an incentive bonus scheme that would increase productivity, boost the earnings of our members, keep the work with direct labour and at the same time reduce overall costs and see the improvement in the roads infrastructure that both the unions and the Government want.

Mr. SHILOWA *(Workers' adviser, South Africa)* — Allow me to congratulate the President on her election as well as salute the Director-General, who has put together a Report which takes account of the debate about the challenges faced by the ILO together with specific measures likely to guarantee that the standard-setting action of the ILO becomes more relevant in the ensuing period.

At the Social Summit held in Copenhagen, Heads of Government agreed to promote core Conventions of the ILO. They went on to list those as the ones pertaining to freedom of association, collective bargaining, the prohibition of forced and child labour, equality of treatment and non-discrimination and the minimum age of employment. The challenge facing the ILO is how best to take this forward. It is with this in mind that we welcome the Report of the Director-General.

In particular, we welcome the fact that he calls on those who are the main proponents of globalization to state their equal commitment to the respect of worker rights. This will enhance a positive perception of globalization among workers. Failure to do so reinforces a perception that globalization equals denial of worker rights.

The call for political will by governments, not only with regard to ratification, but also to pass legislation suited to their own domestic conditions within the framework of the Convention, is important. Otherwise ratification will simply be a way of gaining acceptance by the ILO without any meaningful gains for workers.

I listened today with interest to the input of Mr. Wolfensohn. I am among those who are very sceptical of the role of the IMF and the World Bank, particularly in Africa. However, I concur with him on the fact that if sound economic policies are going to succeed, we need social policies, respect for individual rights and social justice. What appears to be statistics to him, in so far as inequality in wealth and incomes is concerned, are a reality for many workers. I hope that governments and employers will incorporate his views in their proposals. I know that he may have expressed these views today because he is addressing an ILO meeting, but I think we should also hold him to his own words. While it may be true that he does not force governments to adopt specific positions, what he does say is this: "if you want to succeed you have no alternative but to follow my advice". His advice is usually the same for every country. It is a case of one prescription for every patient. In the end he would say that the operation was successful, unfortunately the patient is dead.

Those who are opposed to social justice have called for the rejection of the Report because they argue that it will reinforce rigidities. I fail to see how a call for targeted standard setting, greater recourse to recommendations and an overall evaluation mechanism can reinforce rigidities. The same countries that oppose the Director-General's Report are the ones who in Singapore were saying that the ILO is the mechanism to deal with the same issues of core standards. Yet they would want to remove any teeth it may have. It is time for us to question their precise motive. They seem more willing to satisfy the demands of unelected institutions without any due regard to the electorate. This we reject. I also know that some of them do not even hold elections in their own countries.

The past two years have seen a new tactic by employers who either threaten to walk out of deliberations, or simply refuse to participate. This we condemn, particularly on the part of employers who in their own countries have repeatedly called for dialogue as the only way to resolve differences.

I am sure that our Minister will outline steps that South Africa is taking on the same issues as those raised by the Director-General. I want to place it on record that while there may exist differences in approach on certain issues, there is overwhelming support from us for the overall strategic approach that he is taking, whose aim is to foster social justice, economic development and job creation. As a country, we even have an agreement on how to approach the vexing question of a social dimension to trade.

In conclusion, let me state the following: the battle cry of those who want to demonize the trade union movement as a destructive economic force and remove any role for the State in enacting legislation which protects workers, particularly the vulnerable and the unorganized, is the following — "we need greater labour market flexibility". This coded attempt to turn the clock back and remove basic rights and protection of workers (in the name of "flexibility") will precisely lead to the exploitation of workers, lead to no respect for workers' rights, including those laid down in ILO Conventions, as well as entrench the notion that global competitiveness can only be achieved through the use of child labour and the suppression of workers' rights. This type of "flexibility", which I would call licence to exploit, will lead not to dynamism, innovation and the unleashing of the productive potential, but to stagnation and the destruction of human and natural resources.

The concept of flexibility/rigidity needs to be closely scrutinized to ensure that it is not achieving the opposite of what is intended. Employers tend to confuse government intervention and regulation with rigidities, and deregulation with flexibility. For South African workers, the reality is that effective targeted intervention is needed to overcome many of the inherited rigidities.

Whatever its good intentions may have been, labour market flexibility has become discredited amongst workers. I therefore want to call on governments and employers to accept the basic thrust of the Director-General's Report. Where they have reservations this, I believe, can be accommodated. We have to rise to the challenge of the twenty-first century by combining economic development and stakeholder rights.

Mr. IACONA *(Employers' delegate, Ethiopia)* — I am greatly honoured to have this opportunity to participate in the 85th Session of the International Labour Conference in my capacity as the first president of the Federation of Employers of Ethiopia which was just reinstated a week ago. The Federation of Employers of Ethiopia was re-established on 26 May 1997 in Addis Ababa, Ethiopia.

After nationalizing private firms and enterprises, the military regime (Derg) dissolved the Federation in 1978 under the pretext that since everything belonged to the masses, it would be only the workers who run and control the enterprises. The Federation was branded as "the exploiter of the working class and the creation of the capitalist system through legal instruments which was daily enforced and hence was to be abolished straightaway".

It was a mockery that the work of the Federation was then thrown at the Ethiopian Chamber of Commerce to mollify the ILO by merely filling the Employers' seat during conferences of a tripartite nature. Although the Chamber of Commerce was entrusted with the responsibility of representing employers, in the absence of the Federation, the supreme irony was that the Chamber had never discussed issues pertaining to industrial relations or employers' problems affecting their activity or well-being.

Among other things, the military regime violated ILO Conventions which Ethiopia had ratified. In this connection, the following may be mentioned: it legalized only one central trade union; civil servants were not allowed to organize themselves into associations; strike procedures were long and cumbersome; international affiliation for trade unions had to be approved by the Ministry of Labour and Social Affairs; it dissolved the Employers' Federation: it detained scores of trade union leaders.

With the demise of Marxism-Leninism and with the emergence of a free democratic system, we proudly proclaimed the re-establishment of our Federation, the Federation of Employers of Ethiopia. We have now become members of employers of the world to share the benefits of international solidarity and cooperation. Our Federation strives to promote social progress, inter alia, by creating new jobs and, thus, economic and social development in close cooperation with the social partners.

Our new Federation strongly supports efforts that are being made by employers all over the world aimed at achieving full employment, raising living standards and promoting cooperation between employers and workers in order to improve productivity and working conditions.

Employers and workers uphold the high ideal of the Convention on the right to organize and collective bargaining and the two social partners are protected against mutual interference.

Bearing in mind the crucial role workers play in the development of any economic activity, it should be recognized that employers are the bedrocks of any economy. It is an undeniable fact that employers create jobs with their determination and money, minimize unemployment and generate government revenue.

Within the spirt of tripartism the social partners, government, employers and workers, need one another. Therefore, they should pool their resources and work hard for social progress and the economic development of their country.

The Government should not suppress employers as it did in the past, but should encourage and support them in their efforts towards maximizing productivity and profitability.

Our Federation always tries to create a conducive atmosphere, especially in its relation with trade unions. We vehemently oppose violent and empty rhetoric. Instead, we encourage discussions to settle disputes amicably through dialogue.

I wish to reiterate, on behalf of the Federation of Employers of Ethiopia, that the continuous support and assistance of the Bureau for Employers' Activities and the International Organization of Employers will give us greater strength and vitality in strengthening healthy tripartite consultations.

Mr. VARELA *(Employers' delegate, Philippines)* — We wish to extend our sincerest congratulations to the President on her election as President of this 85th Session of the International Labour Conference.

By an auspicious chain of developments, competence over issues arising from fundamental human rights of workers in the context of globalization and trade liberalization has been claimed and finally acknowledged in the forum where it rightfully belongs — the International Labour Organization.

These developments represent the culmination of the escalating issue arising from the link between international labour standards and international trade since the ILO was founded in 1919, which has become even more pressing today.

Underlying this issue was the crucial question, given the voluntary acceptance of obligations arising from its standards, of the extent to which the ILO can effectively secure from its constituency a commitment to social progress against the countervailing and adverse effects of intensifying globalization and international competition.

The debate has recently been carried further by the intrusion of the "social clause", or the guarantees that a number of advocates wish to incorporate in international trade agreements on the premise that the liberalization of markets must be accompanied by the elimination of flagrant forms of workers' exploitation.

Many countries, of course, especially the developing economies, see this advocacy as a disguised justification for new forms of protectionism.

It is gratifying that the ILO has not been swayed by partisan considerations to steer clear of this debate, and instead through the Director-General recognized that its mandate, as contained in the Declaration of Philadelphia, involved the responsibility of the ILO to examine and consider all international economic and financial policies and measures in the light of the fundamental objective of social justice, and in that light to include in its decisions and recommendations any provisions which it considers appropriate.

Understandably, the momentum of economic and trade liberalization on a global scale is widely perceived as beneficial to the world community. The free flow of goods, services and capital within the context of economic interdependence is generally considered a universal blessing. It is the common vision of the WTO, APEC, the European Union, NAFTA, and AFTA.

However, the apprehensions of developing countries and weaker economies cannot be dismissed lightly. The new global economic order is a playing field for both the strong and the weak. While economic interdependence is ideal, competition is much too disturbingly real to ignore. Simply stated, the playing field is not level for those hampered by structural inefficiencies and resource deficiencies. This is a complex issue that is a grave concern in the developing world.

Of immediate relevance to the ILO is the full impact of the globalization of the economy on workers in disadvantaged countries. As the Director-General of the ILO pointed out in his Report to the Conference, in spite of the material benefits brought about by trade liberalization for many workers worldwide, still there is no assurance that the blessings of globalization have the widest reach possible.

The social dimension of trade liberalization or the social tensions linked to globalization cannot be overemphasized for the simple reason that the highly competitive global playing field has certain inequalities. To say that competition alone is the name of the game is to be infatuated with the globalization process itself, a pitfall against which the Director-General warns us.

Both from a philosophical perspective and based on pragmatic considerations, to say that globalization is an end in itself, or that competition alone matters, is not acceptable. Human history is replete with tragic cases of class struggle, of many battles fought and lost because of a fundamental neglect of or insensitivity to the urgency of the issue of social justice. Human beings are much too precious to be sacrificed on the altar of unrestrained competition.

Because of its strong Christian tradition, the Philippines puts a high value on social justice. The Philippine Constitution mandates that the promotion of social justice in all phases of national development is a fundamental state policy. There are supplementary legislative measures that reinforce the commitment to social justice as well.

The ends of social justice and the objectives of globalization of the economy are not mutually exclusive. As the Director-General stressed in his Report, "the liberalization of trade and social progress must go hand in hand". Globalization, to be truly meaningful for all, must lead to the people's social upliftment.

Specifically, workers in any country, even those whose work is not export-related, must share in the fruits of trade liberalization. This is a most timely universal concern which is articulated by the Director-General of the ILO and addressed to state policy-makers and actors in the global economic playing field.

These developments have dispelled for good the apprehensions of a good number of constituents, in particular the Employers' group, of the issues of competency and the application of the basic human rights of workers spilling over into and fouling up purely economic and trade issues arising from globalization.

Trade liberalization need not be harsh and inequitable. Globalization can have a human face. This is a challenge worth accepting, and an opportunity worth pursuing. Let us move on.

Original Arabic: Mr. ABDOON *(Workers' delegate, Sudan)* — In the Name of Allah, the Merciful, the Compassionate! I would like to greet you on behalf of the Sudanese workers and it gives me pleasure to announce that the elections of the Sudanese trade union movement were conducted in a free, impartial atmosphere, in accordance with the regulations of the General Trade Union Confederation.

These elections were held in February 1997 and our Congress was attended by 27 delegations from Africa, Asia and Europe. The Organization of African Trade Union Unity and the International Federation of Arab Trade Unions took part in its work. More than 1 million Sudanese workers participated in elections, which began in October 1996 and concluded in February 1997. During these elections 1,844 subsidiary bodies and 380 trade unions, as well as 13,000 trade unionists and a large number of representatives were elected.

It also gives me pleasure to inform you that the Khartoum Peace Agreement was recently concluded between the Government of Sudan and the majority of the warring factions in southern Sudan. This Agreement has confirmed general freedoms, trade union freedoms, as well as freedom of the press, the independence of the judiciary, and the state of law.

As a result citizens in southern Sudan will have the right to self-determination after a general referendum in four years. The intervening period will be used for the rebuilding and reconstruction of southern Sudan which was ravaged by the civil war which began in 1955, with all the havoc wreaked and the loss of lives, as well as the resources squandered.

Sudan is rich in natural resources. After these four years the people of southern Sudan will be able to choose between a unified Sudan or an independent south. We have supported the conclusion of the Khartoum Peace Agreement because it satisfies the ambitions of the Sudanese people for peace and development.

We have studied the Report of the Director-General presented to this session, dealing with the ILO, standard setting and globalization and it gives us pleasure to congratulate the Director-General and his staff for the efforts they have made in presenting this Report in good faith and honesty and which proposes a programme for a new international world order.

Explicitly this Report is positive, but implicitly, it serves other purposes, such as preventing the developing countries from participating in competition for not achieving the objective of social justice. The lack of confidence by people in the developing countries in the new world order is increasing, and those countries believe that the era of supervision is once again being revived. All this has made the trade unions in these countries have doubts about something which seems very clear: namely the commitment to respect international labour standards within the framework of international trade. This hesitation is due to the lack of confidence in international organizations, including recently the ILO. This world order would like to transform the ILO, and to make it fully serve its interests. Insistence on linking international labour standards to the globalization of trade is a very difficult task to achieve. One of the problems facing us is the inability of countries to pay their debt. In most countries minimum wage clauses are not respected because of the meagre resources available, or lack of sufficient infrastructure. The liberalization of trade can only harm the developing countries which do not respect standards, and the social clause could lead to serious problems in the developing countries.

The social clause which we want is that the rich countries should help the poor countries to reform their infrastructure so that they can increase their productivity without the need to obey the orders of the World Bank, the International Monetary Fund and the other international financial institutions which have destructuring effects on our economies. That is why there is a lack of trust between the Third World and the industrialized countries.

International organizations are in fact ruled by the major powers. Measures have been taken against Iraq, the Libyan Arab Jamahiriya and Sudan and what is taking place in other developing countries is causing loss of life and property and a disregard of the national order.

The ILO should ensure the respect of international standards, in accordance with its Constitution. Economic growth and development could contribute to improving standards of living.

In conclusion, the appendix to the Report of the Director-General on the situation of the Arab workers in Palestine and the other occupied Arab territories, the result of a mission sent by the Director-General, reveals the violation of rights in these territories; the great error of Israel in building the tunnel under the Al-Aqsa Mosque and the increase in the number of new settlements. There is also a roadworks programme to interconnect these settlements with Israel and Jerusalem through bypass roads.

This can only be detrimental to the situation of the workers in the occupied territories especially as regards employment and income. Israel is trying to Judaise the territories and displace the Palestinian populations in absolute disrespect of international decisions. Housing is being built at Jabal Abu Ghenaim and the appendix shows to what extent Palestinian workers are subjugated. They are employed as slaves; have to work long hours, sometimes more than ten hours a day. Many other things should have been mentioned in this appendix.

Events in Palestine need to be monitored and we are all aware of the suffering of these people, who need the support of the international community so that they can free their land now under Israeli occupation and make Jerusalem finally their capital.

Original Spanish: Mr. MARTINEZ SAAVEDRA *(Workers' delegate, Nicaragua)* — I would like to take this opportunity to extend to the President my congratulations on her election to chair this 85th Session of the International Labour Conference.

Our country, Nicaragua, governed under various political regimes that came into power through various methods, now hopes that the new government will provide workers, and the people in general, with the necessary peace and stability which springs from the social justice which reigns in a democratic State.

Let me point out that, although only a short time has passed since the new government took over, serious problems have emerged along the way, and these problems could trigger unwelcome difficulties. The trade union movement has therefore decided to pursue goals that are conciliatory and of benefit to the entire population.

The most representative trade union organizations in the country are trying to set up a channel of communication that will make it possible for us to address the most acute problems in the country. However, the former traditional powers have taken it upon themselves to boycott all the endeavours that the trade union movement has been making in its attempt to tackle the major problems in the country.

The Director-General's Report recommends the conduct to be followed by governments in applying Conventions and standards. However, against the relentless onward march of structural change in the world, and in our country in particular, we wish to urge our Government to make sure that such practices have a human face, in order to curb our worsening social crisis. Using civilized and easily understandable means, we have put to the present Government the fact that it is absolutely necessary to make the changes required to alleviate the burdens afflicting our people today, that the Government should deal with the very liberal labour policies which create hardships for workers in free-trade zones and in-bond assembly plants.

The social security scheme and pensions for the elderly have had disastrous results and externally imposed policies could render the people defenceless and at the mercy of varying degrees of political interference.

Finally, we would like to call upon governments, employers and fellow workers throughout the world to support the efforts being made in Nicaragua to bring about comprehensive development in the country, taking account of social justice, peace and democracy, and rejecting any violent methods that might be used to gain power or destroy the fragile democratic structure that the working class, in particular, has managed to build in our country at great sacrifice.

Original Arabic: Mr. ALSAYGH *(Minister of Labour and Social Affairs, Iraq)* — On behalf of God, the Merciful, the Compassionate! It is my pleasure in the name of the delegation of the Republic of Iraq to greet you most respectfully and to bring you greetings from the people of Iraq and Mesopotamia and their wishes for the success of your Conference.

It is also my pleasure to congratulate the Minister of Labour and Social Affairs of Slovakia for her election to the chairmanship of the 85th Session of the International Labour Conference. I would also like to congratulate the Director-General of the ILO for including *The ILO, standard setting and globalization* as the subject in his Report, which was indeed most judicious for the stage we are in, characterized by a big publicity campaign for globalization which manifests itself through the consolidation of trade exchanges and of economic blocs.

We note that the Report of the Director-General aims to promote the role of the Organization so that it should be adapted to and work hand in hand with the system of globalization, so as to give international labour standards a more universal nature by choosing better subjects for new standards and emphasizing the need for countries to ratify the Conventions on workers' fundamental rights concerning freedom of association, collective bargaining, the prohibition of forced labour, equality of remuneration, non-discrimination and minimum age for employment. Undoubtedly, these various initiatives seek to improve the role of the ILO so that it can achieve its objectives and thus give workers a chance to demand the improvement of their living conditions and to obtain the trade union rights and freedoms to which they are entitled.

But the Report did not very explicitly examine the negative effects of the system of globalization which is becoming an even greater force in our present difficult international context and the rapid economic changes, the profits of which go to the countries in the

North at the expense of those in the South; and political and economic pressure on the developing countries harms their interests.

Such dangers and risks necessitate that the ILO should work to establish a balance between the interests of developing countries and the system of globalization, so as to guarantee the achievement of social progress in developing countries in the same way as in the countries who run the system of globalization. We believe that the adoption by the ILO of new international standards of a more universal nature, the establishment of improved standards and the insistence upon the ratification of Conventions on the fundamental rights of workers, as indicated in the Director-General's Report, could certainly fortify the role of this Organization.

My country, Iraq, is living in very difficult circumstances today because of the embargo which has been imposed on us for the past seven years. That embargo has led to the death of hundreds of thousands of children, old people and women because of lack of food and medicines and other vital elements. This embargo also brought about the closure of thousands of workshops and laboratories because of lack of raw materials and parts necessary for them to function, thus exposing thousands of workers to unemployment and seriously lowering their own and their families living standards.

Given that Iraq has respected all its engagements under UN Security Council resolutions, the Security Council must now, in turn, respect its engagements towards Iraq, particularly as the memorandum of agreement does not even correspond to the essential needs of Iraqi citizens.

As a result, we call upon this august ILO Conference to examine the effects of embargoes for the peoples concerned and the results and effects thereof on social and economic development so that the functioning of various workshops, laboratories and factories that are at present closed could be restarted and ensure work opportunities for the workers according to ILO standards.

The agenda of our Conference contains a large number of subjects of general character and which aim to promote employment and the workers' cause and to ensure social protection for workers in different areas and the measures to be taken regarding migrant labour from a number of countries, so as to provide a legal instrument to ensure protection for those workers and improve their living standards and earning power, and allowing them to benefit from the fundamental labour Conventions, in order to obtain their rights.

As to the item dealing with general circumstances for the creation of employment for small and medium-sized enterprises, we support the adoption of a legal document in the form of a Recommendation so as to consolidate those small and medium-sized enterprises so that they could create employment, reduce unemployment, and increase their contribution in the areas of production and the national economy.

The violation of trade union rights and freedoms of the working Arabs in Palestine and other Arab territories occupied by the Zionist authorities is indeed a violation of international charters and customs as well as of the objectives of our Organization. Therefore the international community is invited to oppose such practices firmly. My country's delegation calls upon this Conference to have the embargo on the Libyan Arab Jamahiriya lifted and to ensure non-intervention in Sudan's internal affairs.

To conclude, I would like to congratulate the new Members of our body and I am convinced that these countries, with their tripartite Constitutions, will bring an effective contribution to the work of the Organization and to its advance to progress and development. I wish our Conference the success that it deserves in achieving positive results towards the attainment of the ILO's aims and principles.

(The Conference adjourned at 12.30 p.m.)

Ninth sitting

Thursday, 12 June 1997, 3 p.m.

President: Ms. Keltošová

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT — We will proceed with the discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. ACHMAD *(Workers' delegate, Indonesia)* — Firstly I would like to avail myself of this opportunity to congratulate the President on her election to preside over this session of the Conference. I am confident that she will successfully guide us through all the forthcoming sessions to lead our work towards a very productive and satisfactory outcome.

The All-Indonesian Workers Union sincerely appreciates the Report prepared by the Director-General, for the fair manner with which it highlights the globalization-related issues facing workers all over the world. We believe that this Conference will adopt Conventions or Recommendations which will be conducive to creating "political goodwill" on the part of governments, and that it will help improve labour laws and national programmes, thus enabling us to find a solution to some of the social and economic problems which have emerged as a result of trade liberalization and globalization.

I would also like to express the Indonesian workers' appreciation for the agenda prepared for this session, as it properly reflects the workers' main concerns which should be addressed by this Conference, namely issues such as the revision of the Fee-Charging Employment Agencies Convention, 1949 (No. 96); general conditions with a view to stimulating job creation in small and medium-sized enterprises; and the question of contract labour.

These issues are of serious concern to trade unions throughout the world and have recently become the most discussed topic among the workers. The Federation of Indonesian Workers Union has been striving for an improvement of these situations, particularly as regards the issue of workers under contract.

We also consider that it would be wise to insert a new paragraph in article 19 of the ILO Constitution, which would enable the ILO to abrogate a Convention that fails to make useful contributions to attaining the Organization's objectives.

Secondly, I would like to share the Indonesian workers' experience and position on these issues.

The All-Indonesian Workers Union is in favour of the idea of revising the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), to cope with current tendencies under which, from a business point of view, workers are considered as a commodity. However, employment agencies, either public or private, have the responsibility to help solve the problem of unemployment, particularly in all the developing countries. Private employment agencies, in cooperation with and under the control of the Indonesian Government, have proved vital in helping organize outbound workers seeking employment in the Middle East, Malaysia, Taiwan, China, the Republic of Korea and other countries. Nevertheless, we regret that the services they provide to workers who seek employment overseas still involve very high fees.

In this regard, the All-Indonesian Workers Union would like to propose that Convention No. 96 be modernized, as it has proved to be somewhat outdated. The revised Convention should focus on the protective role that "migrant-receiving countries" should play in providing for the basic rights of migrant workers in accordance with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The All-Indonesian Workers Union, in so far as job creation in small and medium-sized enterprises is concerned, is of the view that this International Labour Conference should adopt the necessary Recommendations to incite countries to take adequate measures to stimulate job creation in small and medium-sized enterprises.

The Recommendations should contain provisions to secure the growth and development of small and medium-sized companies, such as access to credit, foreign exchange, imported inputs, effective service infrastructures such as consultation and research, marketing assistance, managerial and vocational skills, advice regarding technology, support for innovation and taxation.

As regards contract labour, the All-Indonesian Workers Union proposes that the International Labour Conference adopt standards on contract labour which should take the form of a Convention to be supplemented by a Recommendation. Again, we share the common concern of workers' unions throughout the world on the situation of contractual workers who should be provided with adequate health protection and income, as well as maternity protection for women workers. But most important, the basic rights of contractual workers to join trade unions should be not denied to them. We deplore the fact that there is a strong tendency in the contractual system where employers prevent workers from joining unions.

The All-Indonesian Workers Union will support the measures taken to increase the efficiency of ILO operations. We believe that inserting a new paragraph to this effect is one way of achieving this goal. Furthermore, we do not have any objections to the proposals made to amend the Constitution.

In conclusion, I hope that our Conference this year will adopt the Recommendations that will be put forward to effectively deal with the problems listed in our agenda.

Original French: Mr. POISSON *(Government delegate, Canada)* — Madam Chairperson, may I congratulate you on your election as President of this Conference. It is impossible for the new Canadian Minister for Labour, Mr. Laurence MacAuley, who was designated only yesterday, to be present in Geneva. It is therefore an honour for me to convey to you the message of Canada at this International Labour Conference.

I am pleased to participate in a discussion on a topic of such importance to the Government of Canada and this for several reasons.

First, Canada is a founding Member of the ILO and highly committed to its objectives, ideals and values.

Second, globalization is bringing enormous changes to our lives. One of these changes involves the growing economic integration of States. Our economic interdependence has revealed a greater need for protection of social and labour standards, particularly through multilateral initiatives.

Third, the international spotlight is on the ILO to respond to the expectations raised by the World Summit for Social Development and the WTO Singapore Ministerial Conference, symbolically representing the synergy between social and economic progress. Both fora have recognized the responsibility of the ILO to set and deal with core labour standards.

It is in this context that I would like to talk about Canadian ideals and values. Canada is a trading nation. Its well-being and prosperity depend on an open, rules-based and multilateral *trading system*.

Economic growth is vital to us all — it is a means of improving living standards of the workers, the nature and the quality of jobs, and the conditions and benefits available to them. But this does not automatically translate into equitable distribution of benefits. Thus, Canada is strongly committed to a rules-based international system for *promoting and protecting these basic workers' rights and values*. Core labour standards provide a set of tools for all countries, independent of their level of development, and we support the ILO in this work.

The Canadian Government attaches great importance to the rights of children throughout the world and supports initiatives towards the elimination of all forms of child exploitation. Canada will actively contribute to the development of an international ILO standard on child labour.

Thus, the Canadian Government welcomes the Director-General's Report as a reaffirmation of the basic principles and values of the ILO Constitution, to which we are committed. The Director-General courageously outlines the challenge before us as Members in reaffirming our commitment to basic workers' rights, while exploring within an existing constitutional base the means to strengthen the universal application of these rights. The Report squarely faces the need to review and accelerate the adaptation of the International Labour Code to ensure its relevance to an uncertain and changing world economy. It provides us with a comprehensive overview and a rich menu of ways to extend universality of core labour standards and principles through improved monitoring, promotion and implementation of these rights and principles. *(The speaker continues in English.)* Our challenge is to carefully and constructively review that menu and decide on the way forward.

First, Canada strongly supports the proposal that the ILO make a definitive statement to the international community on the principles of core labour standards in the form of a declaration which would not require any constitutional changes.

Second, to ensure that the declaration is effective, a constructive monitoring, reporting and promotional procedure should be associated with it. The aim of the declaration is to extend universality of application of the core principles — thus a supporting procedure should provide the basis for identifying obstacles to implementation, as well as to highlight cases of persistent non-compliance.

We would suggest that the Director-General present a draft declaration and proposals for monitoring at the November Governing Body.

Canada urges the Director-General to move forward immediately on two other proposals contained in the Report: to introduce effective evaluation procedures to assess standards against their intended objectives; and to propose measures for the enhanced use of and monitoring of independent Recommendations. Indeed, Recommendations can be a powerful instrument for influencing national policy.

Finally, I would like to make a few brief comments on other proposals contained in the Report, namely reporting on social progress and the social labelling initiative. Canada suggests that these proposals need to be carefully analysed and considered. The ILO should therefore continue its deliberations on these issues, and, when the results of these analyses are clearer, the Director-General might proceed with more concrete proposals.

This is a rich and reflective Report. It is critical that the ILO move forward to confirm its role as the lead multilateral organization responsible for a rules-based system for social progress, in a world going through a number of political, economic and social changes. We hope Members will seize the opportunity, increase the universality of core labour rights and principles, and improve the impact of standard setting.

By moving forward on this Report at this Conference, the ILO clearly meets the expectations of the international community.

Ms. NJIE *(Government delegate, Gambia)* — On behalf of the Government of the Gambia and myself, I take this opportunity to congratulate the President on her election as the President of this 85th Session of the International Labour Conference. I am happy to stand before you today representing a democratic Government of the Gambia, which has just gone through peaceful transition into civil rule through general elections.

In September 1996 the ILO Regional Office in Dakar, in cooperation with EMANO, the North-West Africa Multidisciplinary Advisory Team, conducted a two-day tripartite workshop on the ILO's international fundamental Conventions. The objective of the workshop was to assist the Gambia in the process of ratification of the seven fundamental Conventions. The Government of the Gambia appreciated this timely technical assistance and found the exercise very fruitful. I can assure you that at the moment the Government of the Gambia is in the process of ratifying these fundamental Conventions through democratic means.

The Gambia regards its membership in the ILO as an important way of participating in the world of social issues and economic development endeavours. The Gambia has always observed international labour standards, since the colonial era. These are entrenched in our national laws.

The Gambia, being a poor country in terms of GDP, is in dire need of assistance in the following areas: human resources development (including a literacy campaign) and enterprise development; occupational health and safety; and informal sector studies, with a view to ascertaining its full potential for job creation.

I would now like to read to you the the report on the period ending May 1997 made under article 19 of the ILO Constitution by the Government of the Gambia on the Labour Administration Convention, (No. 150) and Recommendation (No. 158) of 1978.

It is to be noted that the entire labour legislation has been reviewed as a consequence of the Labour Act 1990 and the Industrial Injuries Compensation Act, which were enacted in 1990. This report will focus on five key areas, namely:

Labour inspection: this is an ongoing activity which encompasses both wages inspection and labour inspection within industries.

Constraints: there is an acute shortage of transport and trained personnel that would make the operation more functional. Indeed, ARLAC, the African Regional Labour Administration Centre, has provided some training assistance. However we are in dire need of more such assistance for our labour officers.

Employment services: already a new set of forms for registration has been put in place. Other data bank forms have been designed for the jobseekers and employers respectively. As the procedures are yet to be computerized, the technical assistance provided under ILO project GAM/87/015 needs to be continued.

Data collection: There have been difficulties in gathering statistical information due to material shortages, and a lack of collation of occupational accidents and diseases. We need technical assistance to overcome these difficulties.

Staffing: The Labour Department suffered high staff turnover in the past. Efforts are, however, being made to rectify the situation.

Tripartism: There are five joint industrial councils which meet regularly to discuss labour and related issues. Furthermore, there is the Labour Advisory Board which advises the Government on labour legislation.

For the above reasons, ADMITRA, the Labour Administration Branch, has been approached to upgrade the Department of Labour in the Gambia.

May I seize this opportunity to convey the felicitation of the Gambian Government, people and that of the Head of State and President of the Republic of the Gambia, Rtd. Col. Yahya A.J.J. Jammeh, to all delegates at this august gathering. The Government of the Republic of the Gambia is diligently pursuing policies aimed at transforming the Gambia into a financial centre, tourist paradise, a trading, export-oriented agricultural and manufacturing nation with potentials suitable for local and foreign investments.

Before I conclude, the people and Government of the Gambia look towards the ILO and other bodies for cooperation, especially at this time.

Finally, I thank you for the opportunity given me to speak, and the distinguished delegates for their patience and attention.

Mr. ITO *(Workers' delegate, Japan)* — On behalf of the Japanese Trade Union Confederation RENGO, I would like to express my opinions on the Report of the Director-General, *The ILO, standard setting and globalization.* RENGO welcomes and supports Part 1 as well as Part 2 of the Report, which deal with the orientations that the ILO should take in the face of globalization and in preparation for the twenty-first century.

This Conference has been discussing for more than two years the promotion of ratifications of core labour standards of the ILO and the strengthening of the supervisory machinery. The Report of the Director-General is proposed on the basis of these discussions. I appreciate very much the fact that this Report responds sincerely to the declaration of the WTO Ministerial Meeting in Singapore, which admitted that "the ILO is the most competent organization for standard setting on fundamental labour rights and promotion of these rights", and that this Report proposes concrete measures to strengthen the ILO action for the years to come before the arrival of the twenty-first century. I should insist also that the respect of core human and labour standards is not the exclusive task of the ILO. This task is so important that all the international organizations, including notably the WTO, the IMF and the World Bank, should participate in the efforts of the ILO.

The Director-General pointed out in his Report that the discussion on the liberalization of trade and the protection of workers' rights was conducted at the beginning, focusing on the reciprocal criticism of social dumping and protectionism; and then the discussion has become more constructive on the basis of understanding the relative advantages of low labour conditions in developing countries. On the other hand, if persistent efforts are made, for many countries at different levels of economic development and historical background, these fundamental human as well as workers' rights can be implemented. In other words, in order to accept the comparative advantage of poor working conditions of countries in global competition, it is necessary that all the countries participating in the global economy should respect the core labour standards concerning freedom of association, the abolition of child labour, forced labour and discrimination.

I constantly insisted in the Working Party on the Social Dimensions of the Liberalization of International Trade that it is most important not to question the comparative advantage of developing countries, but to create a system in all countries that respects fundamental human and workers' rights, and realizes the fair distribution of wealth gained through participation in the global economy. The existence of such a distribution system will lead to the abolition of child labour, will stop the widening gap between poor and rich, and will ensure the respect of humanity.

The ILO report *World employment 1996-97* pointed out that in countries where rapid economic growth was taking place, a widening gap between poor and rich was appearing, and child labour was on the increase. These tendencies demonstrate that some developing countries deny the necessity of establishing a fair system of distribution, disregard fundamental workers' rights, and deny the positive as well as necessary relations between the development of world trade and the respect of human and trade union rights.

In the face of such a reality, the reinforcement of the ILO supervisory machinery is an urgent and important need for all the workers of the world. The Japanese Trade Union Confederation considers that it is necessary to establish a new supervisory machinery on core labour standards, through which the ILO should be able to supervise the application of these standards even if they are not ratified by a particular country. In order to create this new machinery, the Governing Body of the ILO should discuss the concrete measures at the coming session of the Governing Body this November. I strongly hope that the Director-General proposes concrete measures and at the same time Government, Employer and Worker members should participate in a constructive way.

The ILO faces an important choice for the twenty-first century. I sincerely hope that the tripartite constituents of the ILO will decide upon concrete measures, in line with the spirit of this Report, in the Governing Body of November this year.

Original Arabic: Mr. NEFFATI *(Minister of Social Affairs, Tunisia)* — In the Name of God, the Merciful, the Compassionate! First and foremost I should like to present the President of the Conference and the honourable members of the Office with my sincere congratulations and I wish them every success. I should also like to present greetings to the participating delegations, and that so many of them have come to this Conference shows their attachment to the ILO, this glorious Organization, which has in fact never ceased working for social justice and global development.

The International Labour Organization, via its standard-setting activities, has always been in the forefront in developing the framework of labour relations and improving working conditions worldwide. This is becoming more and more essential today in the context of the globalization of the economy and the liberalization of international trade, especially in view of the fact that economic development should not be to the detriment of social development.

For Tunisia international labour standards are very important. We have ratified 56 international Conventions including those relating to basic human rights. My country has always worked towards the harmonization of its national legislation with international labour standards and effectively applying the principles they contain. This is on the basis of the conviction of our President, Mr. Zine El-Abidine Ben Ali, concerning the complementarity between the social dimension and the economic dimension of development, and the need to implement human rights in their global approach.

In the past few years there have been major developments in our labour and social security legislation, as well as a considerable strengthening of policies on social dialogue and on collective bargaining in the framework of the conciliation between the interests of social partners.

One can see that in the course of 1996, and in the first months of this year, a new round of bargaining was launched and this has led to the revision of all the sectoral collective agreements and the signing of new sectoral agreements. These negotiations have not only covered the private sector, but also included the civil service and public service enterprises. The negotiations in the various sectors concerned both staff regulations and wages, and have in fact led to improvements in working conditions and labour standards.

Despite the present difficult economic situation worldwide, thanks to our policy of dialogue and collaboration between the social partners, Tunisia has been able to adopt a new programme to increase salaries over a three-year period. Thus wages in the public and private sector will in fact have been increased over nine consecutive years, allowing an improvement in the workers' purchasing power. The wage increases have also been beneficial to workers who are not covered by collective agreements or particular status agreements, or those workers who are paid the minimum wage.

While we are interested in the standard-setting activities of the ILO, which we indeed support, we nevertheless feel that this work should take account of the needs and interests of developing countries. Tunisia has given top priority to job creation. It has taken an initiative since the political change of 7 November 1987 to launch a number of sectoral and legislative reforms in the field of employment and training policy, in order to guarantee that they are well matched, and to make sure that they can be used efficiently in the interests of the economy and of development.

Further, since job creation depends above all on investment, and when you consider the important role of SMEs in this field, the State has encouraged the creation of these enterprises by establishing a specific chapter on this in the Single Code on Investment. We have also adopted a number of incentives and encouragements for investors and entrepreneurs in such firms.

Aiming to provide support mechanisms for small-scale projects, last month the President of the Republic decided on the creation of a special bank which will be financing these projects and helping the young business promoters, especially those who have qualifications in different specialities, but who do not have the means of self financing, nor bank guarantees to finance these projects.

The social dimension of development is one of Tunisia's key priorities on the threshold of this new era where we feel that a man is the cornerstone of the success of our national programme to bring Tunisia up to scratch in terms of international competition and to put Tunisia into the industrialized country bracket at the start of the twenty-first century.

The proposal of the Director-General to draw up a regular report on social progress around the world is an incentive to consolidate social policy and we feel that the International Labour Organization has a dominant role to play in monitoring the social impact of the globalization of the economy and guiding the expected effects of trade liberalization towards social progress, as well as assisting member States in this field.

We therefore appreciate the valuable efforts of the ILO and of its Director-General, Mr. Michel Hansenne, to reinforce fundamental human rights and freedoms, and to consolidate the path of the various countries towards social progress. I would also like on this occasion to pay homage to the ILO for the efforts undertaken concerning the situation of the workers in Palestine and the other occupied Arab territories. Their situation has, in fact, become worse recently due to the blockage of the peace process. We would like to call again upon the international community to do more to ensure peace and security in this region. We would also like to see a reinforcement of the technical cooperation programme offered by the ILO to the social partners in Palestine, given the great need for this cooperation.

In conclusion, I would like to express the support of Tunisia for the ILO's efforts to achieve the noble objectives for which it was created, hoping that it will redouble its efforts to ensure that we can adapt better to the changing world economic environment and to develop cooperation and partnership mechanisms, on the basis of the solidarity between peoples, so we can achieve a new world based on peace and stability, and aspiring towards progress and prosperity.

Mr. SUKARTIN *(Employers' adviser, Indonesia)* — First of all, on behalf of the Employers' Association of Indonesia, I would like to take the privilege of extending the most cordial congratulations to Your Excellency Madam Olga Keltošová, Minister of Labour, Social Affairs and Family of Slovakia, on your election as President of this 85th Session of the International Labour Conference, as well as to the three Vice-Presidents respectively. May I further express my conviction that under your wise guidance and able leadership, Madam President, we are sure this Conference will be a success.

Indonesia is the fourth most populous country in the world. In 1997 its population reached the 200 million mark, spreading throughout the country from Sabang (North of Sumatra) to Irian Jaya, totalling not less than 5,193,250 sq. km, comprising not less than 15,000 islands.

The year 1997 is Indonesia's second year of the Sixth Five-Year Plan, which is part of the second 25-year long-term development plan, having been successfully accomplished in the various areas. Establishment of the infrastructure, development of advanced and modern industries, shifting from dependency on oil and gas to non oil and gas exports, have tremendously increased employment. The annual growth of jobseekers, which is not less than 2.4 million, represents a tremendous national challenge.

The growth in economic development brought an increase in the per capita income from US$300 in the First Five-Year Plan to US$1,100 at the end of the Fifth Five-Year Plan. At the end of the current Sixth Five-Year Plan the per capita income is expected to be US$1,500 with an average economic growth rate of 7.6 per cent. The per capita income at the end of the Eighth Five-Year Plan is anticipated to be around US$3,000.

These successes have been achieved with the help of the strategy of national economic development based on the following development trilogy.

Firstly, sound and dynamic national stability. Secondly, sufficiently high economic growth. Thirdly, a more equitable distribution of development gains, which has led to the welfare of the entire population.

To adjust to today's era of globalization, several measures have been taken, i.e. deregulation, debureaucratization, reformation of the administration, etc. National development is not only constricted in the area of industry but also in human resources in broad aspects like training, education and lifestyle as well. Among the improvements which are to be mentioned in the area of manpower affairs, are the minimum wage system, the social security system, the restructuring of the All Indonesian Workers Union into the Federation of All Indonesian Trade Unions with 13 sectoral workers' unions in alignment with ILO guidelines.

The Employers' Association of Indonesia is convinced that this positive trend will further develop in the near future and that, based on the development trilogy, economic growth is not expected to be less than 7.6 per cent per annum.

The Employers' Association of Indonesia supports the orientations concerning the renewal of standard-setting activity, which we feel should truly be a major focus of the ILO's action and reflection during the coming biennium. We also strongly support the fight against child labour since this has been adopted as a national programme in conformity with the national goal to achieve a compulsory nine-year basic education programme by the year 2003.

As regards the promotion of labour standards, we believe that it should have been discussed within a development perspective.

Finally, I am pleased to mention the technical cooperation which has benefited both the ILO and the IOE. We would also like to thank NIKKEIREN, JIL and other sponsoring organizations for their respective contributions to the development of human resources in Indonesia through the Employers' Association of Indonesia network. We sincerely hope that this cooperation will be continued in the years to come.

Original Russian: Mr. BILOBLOTSKY *(Minister of Labour, Ukraine)* — Allow me first of all, to extend my sincere congratulations to the President on her election to this high office and to wish her full success in directing the work of the Conference.

I take particular pleasure in extending these congratulations bearing in mind the high level of cooperation between our countries, Ukraine and Slovakia, as well as between our respective ministries.

We believe the ILO Director-General's Report to this session presents a profound analysis of the standard-setting work which is clearly one of the most important areas of the ILO's activity.

The Report proposes for discussion some interesting views and conclusions, and it contains a number of new and innovative approaches to the future development of the Organization's standard-setting activity. Although not all member States take the same view of these ideas, the material offers a useful basis for discussion as we consider all aspects of the possible consequences which a mechanism for monitoring observance by all member States of the fundamental human rights would entail.

Globalization, the liberalization of world trade and other challenges of our times, are all important factors in the socio-economic development of the world on the eve of the new millennium. They confront — and will continue to confront — the ILO with new and difficult tasks in responding correctly to the challenges of development in the world economy. We believe that standard setting for the social aspects of globalization (which are aspects that can and must be regulated), as well as the development of cooperation with the World Trade Organization, should be regarded as an important area of the ILO's work.

As you know, Ukraine has ratified six of the seven fundamental Conventions in the field of human rights, and is conscientiously carrying out the obligations it has undertaken. We are also giving serious attention to the question of ratifying the last of these instruments, Convention No. 105 on the abolition of forced labour.

The Supreme Soviet of Ukraine is now considering a new labour code, as well as other standard-setting labour acts. Once these have been adopted, using the expertise of the ILO, we intend to set about ratifying Convention No. 105.

The year since the last General Conference has been a difficult one for Ukraine. Although we have managed to bring down inflation, to stabilize our national currency, and to some extent to slow the rate of decline of our output, the economy is still showing signs of crisis.

At the same time some of the most painful tasks of economic liberalization have now been carried out.

As the President of Ukraine, Mr. Kuchma, stressed in his statement before the Supreme Soviet on 21 March this year, "We have now crossed the Rubicon, and there is no turning back. The only question now is how effectively and how quickly we can move forward, and how united we are in our new plans and actions".

The Government of Ukraine is making a serious effort so that in 1997-98 a real breakthrough towards a genuine deepening in the social orientation of our economic reforms can take place; so that arrears in wages, pensions and other social benefits can be paid off, and so that can be a real improvement in the system of social protection.

In this connection, I would like particularly to stress that the sheer size and the specific nature of the problems facing transitional economies, including Ukraine's, required broad international support for the reform effort to make the process irreversible and to speed the integration of these countries into the world economy.

We are grateful to the International Labour Office for assisting in the social reform process in Ukraine. We are happy to note that this year we have reached agreements in principle with the Office on new technical assistance projects for Ukraine.

We are also looking forward to the elaboration of other joint projects with the ILO on social and labour questions of importance to our country, and particularly for the occupational and social rehabilitation of the population which suffered from the Chernobyl disaster. We believe that in order effectively to carry out national social development programmes which are implemented with the assistance of international financial institutions, it would be advisable to submit these programmes for prior assessment by the ILO.

In conclusion, I should like to say a few words about the ILO's proposed programme and budget for the next biennium. In our opinion this document is reasonably well-balanced. There is no question that Ukraine, like many other countries, has every interest in keeping the ILO's overall expenditure low in the long term.

However, we are convinced that these cutbacks must not lead to any winding down in technical cooperation programmes, including those being carried out in countries with transitional economies.

I would like to note in passing that notwithstanding the difficult economic situation in our country, the Government of Ukraine is taking all possible measures to reduce the amounts it owes to the ILO budget. In 1996-97 we transferred to the Organization's accounts over US$5.3 million.

As we support the ILO's activities, we shall continue our efforts to resolve this problem in the future.

Mr. PARK *(Workers' delegate, Republic of Korea)* — Allow me to congratulate the President wholeheartedly on her unanimous election as President of the 85th Session of the International Labour Conference. I would also like to show appreciation to the Director-General for his Report suggesting a more universal approach to the establishment of the social dimension of international trade liberalization and to the promotion of international labour standards.

In June last year in Brussels, just after the 84th Session of the International Labour Conference, many of the world's union delegates continued their work by participating in the 16th World Congress of the International Confederation of Free Trade Unions (ICFTU). During their deliberations they identified the global market as trade unionism's greatest challenge. International trade liberalization has given rise to high expectations for global development, which is expected to address the problems of low economic growth, high unemployment and poverty. However, globalization is proceeding in a certain direction. Governments are shifting power decisively in favour of capital, whereas union power, which plays the core role for social progress, is diminishing to a great extent.

It is argued that flexibility has to be introduced into the labour market so as to resolve the persistence of mass unemployment and to maintain the competitive edge in international markets. Especially relating to international competition, many seem to think that improving the level of social progress is connected with losing international competitiveness in the global market. In so far as this way of thinking is spreading and state policy adopts such a diagnosis, it would be difficult for the member States of the ILO to accept the spirit of emulation between States for social progress. My concern is that globalization is simply recognized as a survival game in a world of unbounded international competition, rather than as a tactic for the development of the global market. It is possible that we will be unable to avoid the enormous social cost, if no consideration is given to the social dimension and fierce competition leads to the minimization of social security benefits, and if labour market flexibility is introduced only in order to reduce costs.

In the case of Korean labour law, which was revised in March this year, it is easily understood that the background of its revision is directly related to the changes in the international environment. It is only for reasons of high productivity and efficiency of enterprises that employers are given more freedom to lay off workers. It is only to meet the needs of employers that workers are urged to do longer working hours without appropriate attention being paid to their health and safety. The activities of trade unions are under serious threat and the balance of power for social progress is breaking down. Fundamental workers' rights for teachers and civil servants are not guaranteed. Korean workers, due to globalization, are increasingly concerned about the traditional "life-time" employment pattern collapsing, deteriorating working conditions and domestic capital flight, which brings about increasing unemployment.

If the social tension caused by globalization continues to be widespread in the world, there will be a serious threat to social well-being and peace. I must say that I myself am puzzled with doubt as to whether it is a good thing that ideological rivalism was replaced with economic rivalism between States. What is most disconcerting is the fact that everything is understood from such an economic rivalry perspective. This might be the main reason for the low ratification rates of newly adopted Conventions. Although it is acceptable to amend the Constitution to enable the International Labour Conference to abrogate obsolete Conventions on the condition that they are carefully and fully examined, the real problem is political will for the application of the Conventions. In the case of Korea, none of the core Conventions has been ratified. I support a declaration of the Conference on fundamental rights and a regular Report of the Director-General on social progress, which will surely promote the instruments for social progress. However, regarding social labelling, I am concerned about the problems of transparency in its procedures and the dangers of discriminatory trade protectionism and its use for political purposes. I believe it should be studied further before actual implementation.

Concluding my remarks, I expect that the ILO will refresh its devotion to the mandate for the realization of social justice and full employment, particularly in a complex and difficult era of globalization such as the one we are facing today.

Original Arabic: Mr. DJILANI *(Employers' delegate, Tunisia)* — We are meeting today, yet again, at the ILO and we wish to reaffirm that the reason why we are here is to seek and to find the practical solutions which are required for development, both nationally and internationally.

First of all I would like, on my own behalf, as well as on behalf of the Tunisian employers, to offer my warmest congratulations to Mrs. Keltošová on her election as President of this session. May I also warmly praise the work of the International Labour Organization and its Director-General, Mr. Hansenne, in promoting the activities of the ILO and its bodies.

We are very proud of the assistance that is extended to us and which permits us to define our future perspectives and to participate in the search for solutions to the challenges presented by the globalization of trade, the opening up of frontiers and competition.

To ensure employment and a livelihood for its people is the challenge faced by every country throughout the world, because this is the first guarantee of sustained development and social peace which each country needs and is the guarantee of safeguarding human dignity. We are aware of this challenge in Tunisia, a challenge that can only be met within the framework of a partnership which increases possibilities for investment and exports.

May I underline the need for attaching great importance to the work of the young — in particular graduates — because they make up the majority of the population in the developing countries, and they will ensure the success of all development projects, which are a basis for reform and rehabilitation, with a view to building a better future.

His Excellency, the President of the Republic of Tunisia, Mr. Zine El-Abidine Ben Ali, has taken numerous pioneering steps in order to guarantee the success of Tunisian enterprises permitting them to play their role in ensuring job opportunities within an environment of solidarity which does away with all marginalization and all exclusion, and giving great importance to human resources, in improving the legislative, fiscal and social context within which enterprises operate.

As regards employment we must recall the need to provide facilities to make it easier to promote employment policy, in particular those favouring small and medium-sized enterprises. These must take into account other considerations, such as structural reform through vocational training programmes which are backed up by access to new technologies and to new techniques. Moreover, we feel that standards and new rules as a whole should assist in achieving these objectives. While we adhere to them, we remind you of the need to stress those standards specific to child labour, because we are convinced that the measures taken in this respect have the support of everyone. Tunisia was one of the first countries to ratify the United Nations Convention on the Rights of the Child. This is part of our overall approach to protecting the fundamental rights of children and ensuring their protection in all places.

I would like to praise the constructive and productive role played by the International Labour Organization, which has strengthened its position on the world scene. With regard to its structure and its credibility, the Singapore Conference recognized the ILO as the only organization with the right of inspection on social questions, which is one of the best proofs of the esteem in which this Organization is known for finding appropriate solutions to different thorny social problems, using consultation to make the social partners aware of the problem, and then to lead towards shouldering their responsibilities. In spite of the achievements of the International Labour Organization, we nevertheless consider that ILO reforms should seek to improve or eliminate those Conventions which are no longer consistent with the radical changes in the international economic order. In any case, most of these Conventions have indeed received only a small number of ratifications.

Challenges in economic development are subject to levels of social progress. We would like to reaffirm that this is intimately linked to our search for new means to promote enterprise and competitiveness, because enterprises must rise to the challenge and reconcile their local role with the need to survive within international competition. All of this requires major financial and technical resources, which are often missing in the developing countries.

As social partners we, through the ILO, must take up all these questions with transparency and effectiveness, bearing in mind the diversity of economic conditions and social circumstances. In this Organization we are accustomed to search for everything which allows fruitful cooperation to take place between us and strike a balance in the wishes of our people with regard to development and prosperity in our respective countries.

Mr. SAMET (*Government delegate, United States*) — Let me begin my remarks by offering the congratulations of my Government to the Director-General on his Report to this 85th Session of the International Labour Conference. His Report is a carefully reasoned and highly useful framework for our deliberations on labour standards, given the nature of the global economy at the end of the twentieth century.

Although we might not agree with all of its observations, it does, in its presentation and prescription, fully recognize the magnitude and the seriousness of the challenge before us.

We are, after all, being asked to answer whether this Organization, the oldest in the United Nations system, will meet the challenges of the next century, just as the ILO's founders in 1919 met the challenge of this one.

Our circumstances offer both great opportunity and the potential for a most serious failure, because this body and this plenary are confronting the most elemental issue of whether we are prepared to renew our mandate at this time in history. The alternative, in our view, is the risk of paralysis or, even worse, irrelevancy.

Let us recall that we are discussing here what we ought to do to assure the greater implementation of core labour standards, and there is nothing more basic to our responsibility. These standards are now well understood and well agreed upon. They include freedom of association, the right to collective bargaining, the prohibitions on forced labour and exploitative child labour, and the principle of non-discrimination in employment.

Let us also recall that the economics on this matter have been thoroughly debated in the OECD and in our own working party, and we have learned as much as the science of economics seems able to tell us. First, that trade liberalization and core labour standards are mutually reinforcing in terms of their economic benefits. Second, that the implementation of core labour standards will benefit all economies, no matter their level of development. These standards are simply not a question of what can be afforded; on the contrary we cannot afford not to implement them.

Indeed, let us further recall that, for the first time in a half-century of the GATT — now WTO — the world's trade ministers at Singapore recognized that implementing core labour standards is important to the objectives of the world's trade agenda and they committed themselves to support them. At the same time the declaration of our trade ministers should have finally put an end to the misstated allegations of protectionism and unfounded arguments about wage rates.

It is now before us to choose. We have debated the social dimension of globalization for some three years, and much has been made clearer. But it is now time to decide. Will we agree to negotiate on the basis of the Director-General's Report, as my Government thinks we ought to do, or will we find a new pretext for inaction? Our record is not altogether encouraging, as previously failed efforts in the ILO in 1964, 1970 and 1977 demonstrate.

In any event, the global economy will not wait for us. Of that my Government is sure, and we will continue to work with those nations that recognize it is neither wise nor practical to stifle discussion on labour standards in the WTO, or in other international organizations, such as the World Bank.

Moreover, we will give assistance and encouragement to those efforts in the private sector which seek to positively respond to the demand for higher levels of labour standards around the world. Be it codes of conduct, consumer or social labels, or other market-based initiatives, we will press forward. Indeed, in April, my President formally welcomed the agreement of a coalition of companies and unions on a code of conduct, monitoring principles, and a labelling approach for the apparel and footwear industries.

Now we at the International Labour Conference must decide on our approach. My Government's view is that we should move forward on the following three points:

First, we ought to commit ourselves through new means, such as a declaration, to core labour standards, regardless of whether we have ratified any particular instruments.

Second, we should hold ourselves accountable for our adherence to those fundamental rights through a new supervisory mechanism.

Third, we need to give concrete meaning to such accountability by establishing additional incentives for compliance and disincentives for determined and wilful non-compliance, through labelling and other such means.

I hope those who might be tempted or inclined to argue about the potential risks of such a course can also recognize the costs from not following such an approach are likely to be much larger — in terms of lost opportunities for greater economic growth, increased trade and investment, more and better jobs, and stronger social cohesion.

Let me make two final observations on elements in the Director-General's Report. We also agree that new reporting mechanisms might be useful. To that end, I am here to renew the proposal and offer of my Government that all member nations of the ILO be reviewed for their adherence to core labour standards, and that the United States would agree to go first.

Finally, let me say that we are in substantial agreement with the notion that the entire body of ILO Conventions must be thoroughly reviewed and, when appropriate and necessary, "recodified" to reflect contemporary realities.

We again congratulate the Director-General in offering us a vision that honours the legacy of the founders of this body, and for his wisdom in posing a course of action that can and ought to be the basis of consensus since it reflects our most basic universal values.

Original French: Mr. YAKOUBOU *(Minister of Public Service, Labour and Administrative Reform, Benin)* — Madam President, it is with pleasure that I associate myself with the deserved tribute paid to you by all preceding speakers on your election to the presidency of the 85th Session of the International Labour Conference.

I would like to extend to you, on behalf of the Government of the Republic of Benin, of the members of the delegation which I have the honour to lead at this session and on my own personal behalf, my warm congratulations to you and to the other distinguished Officers.

Thanks to your personal qualities, I am convinced that under your authoritative guidance the work of this session will be crowned with success.

Allow me to take this opportunity of expressing to the Director-General of the International Labour Office, on behalf of my Government, our gratitude for his tireless efforts on behalf of the Republic of Benin. May I also congratulate the Director-General and his staff on the high quality of the Report they have put before us which is devoted to the standard-setting work of the ILO.

I would like to express my satisfaction at the judicious choice of this subject, which will be the focus of our debate at this Conference. In these difficult economic and social times, the International Labour Organization must continue to demonstrate its institutional strength, its commitment to adapting its structures and methods to the challenges of world development.

It must remain firm and dynamic in so doing, in order not to be thrown off course by the series of crises in the world. I am convinced it will continue and strengthen its standard-setting work, whose impact on the social policies of all the world's countries no longer needs demonstrating. My deepest concern is to see the Organization continue its development effort as it has always done in the past, because the means at its disposal for convincing States and governments are a guarantee of social stability, not only for the developing countries, but also for the industrialized world.

To be delivered from poverty, to find more reliable means of subsistence, to find health, stable employment and better education, these are the aspirations of our African peoples. In the face of these social demands we must act promptly, because each day that passes brings us closer to the danger of a social explosion which threatens all our societies to one degree or another.

My Government is among those which believe that, if we are to meet this challenge, we must take certain steps. First, the International Labour Organization and its Members must continue their standard-setting activities in the light of the new economic challenges. We must intensify and harmonize our work with other international, regional and subregional organizations, in order to promote the world of work through social dialogue. Finally, we must continue the dialogue with the international financial institutions so that they can reorientate their financial policies and thus reduce their often disastrous social costs.

For the past few years, the social situation in my country has been characterized by instability and insecurity on the labour market, as well as by ever-rising levels of unemployment among young school-leavers and graduates. Given its limited financial resources, my country has no choice but to turn to the international community in helping to help it promote a policy of economic integration for its young school-leavers.

The ILO needs to strengthen its capacity to act in developing countries and refocus its work on a short and medium-term programme directed towards supporting national policies for tackling the problem of unemployment among young people and those hit by industrial restructuring.

In these difficult and uncertain times of globalization, trade deregulation and structural adjustment programmes, it would be desirable for the International Labour Office to make a special effort to help our countries carry out a consistent policy in the field of continuous vocational training, and strengthen the dialogue and partnership between the State, the trade unions and the employers in order to ensure more effective convergence of economic and social policies. These are the suggestions that seem to me worthy of interest and which I thought useful to contribute to our debates.

I hope that this 85th Session will strengthen the International Labour Organization, confirm its commitment to its principles and help it to achieve its objectives of peace, justice, freedom and social progress.

Mr. POTTER *(Employers' delegate, United States)* — As the Report of the Director-General shows, the ILO is at a crossroads in its history. Will the ILO continue down the road of seeking to regulate every labour market imperfection or perceived inequity by adopting more and more Conventions? As the low rate of ratification of recently adopted ILO Conventions demonstrates, this choice risks making the ILO less and less relevant, marginalizing its impact now and into the next century. As the recognized guardian of basic worker rights, will the ILO choose the road that reinforces its central role of the protector of core worker rights?

The continued proliferation of problematical Conventions is due in part to the method of selection. Once a topic gets on the Governing Body list for possible standard setting, it can remain on the list, seemingly for an eternity, until it is eventually selected. Selecting subjects for standard setting by a process of elimination is a road to irrelevancy. The question that needs to be asked before a standard is selected is whether the issue is ripe for international regulation or guidance, i.e. the labour market issue must be definable and there must be sufficient data on which to assess the dimensions of the problem, rather than relying solely on anecdotal evidence and worst-case scenarios.

Except for extraordinary circumstances, such as the 1998-99 discussion on child labour, the ILO should adopt a procedure whereby a general discussion must always be held first on an area of proposed standard setting for the purposes of determining whether an issue is ripe for international standard setting or revision, or whether standards of conduct, recommendations, guidelines or further research would be more appropriate. It would also establish a better basis for the initial questionnaire. Following the general discussion, the Governing Body would make an assessment as to whether standard setting is appropriate. To maintain quality, the two-discussion procedure should always be used in developing new standards. We believe that such an approach would improve the quality and relevance of ILO Conventions and Recommendations over the long term.

United States employers agree with the Director-General that "a Convention should deal with essentials; (...) it should not enter into too much administrative detail". This laudable goal can be defeated, however, by the tendency of the ILO's Committee of Experts to add implementation requirements not within the contemplation of the technical committee drafting the Convention. In keeping with the principle of subsidiarity, more needs to be left to the discretion of the ratifying country. At the same time, governments should be held accountable for their vote to adopt a Convention and their intention to ratify it.

The globalization of the world economy contributes to economic and employment growth and improved working conditions. United States employers are adamantly opposed to the social clause in the trading system to permit the application of coercive measures to enforce labour standards. In our view, the Director-General's scheme of giving a country a social label is the social clause in disguise and offers the prospect of making the ILO more irrelevant by leaving it to a third party — the consumer — to decide. Furthermore, the idea of monitoring and inspections of countries on the spot is unwieldy and would be unresponsive to addressing those workplace human rights situations that each of us as citizens of the world would consider to be outrageous regardless of whether a country has ratified the so-called core ILO Conventions. Bonded child labour, rampant discrimination, denial of any ability to exercise freedom of association, a persistent pattern of failing to enforce applicable labour and employment laws are the kinds of egregious circumstances that we believe should be encompassed in a solemn declaration of principles.

These principles would be separate from the details of the core Conventions or observations of the existing ILO supervisory bodies. They would be subject to a complaints procedure through the Governing Body, which would make the initial jurisdictional determination. This would be a parallel political track that would not supplant existing procedures. The central questions would be: is the country concerned in general compliance with the principles or is there a persistent pattern of non-compliance; does the country enforce the labour and employment laws that it has in place; and in the case of developing countries, is the country making progress to meet the principles?

In the view of United States employers, the ILO is at a crossroads in its history. We hope it makes the right choice for the sake of mankind. To paraphrase the American poet, Robert Frost, from the poem *The road not taken:*

Somewhere ages and ages hence:
Two roads to protecting worker rights diverged in the world
and the ILO —
It took the one that promoted economic growth, jobs and basic worker rights,
And that has made all the difference.

Original Arabic: Mr. KHALIL *(Minister of Social Affairs and Labour, Syrian Arab Republic)* — On behalf of my own delegation and that of the other Arab countries, I would first of all like to express congratulations to Ms. Keltošová for the tremendous confidence the participants at the Conference have displayed in electing her as President of the 85th Session of the International Labour Conference and to wish her the very best of success in her work. We hope that the serious discussions to be held between the social partners will lead to decisions and recommendations which faithfully reflect the objectives of the ILO.

I would also like to reiterate the interest of the Syrian Arab Republic in maintaining its cooperation with the ILO and with its various bodies and committees. Our cooperation has always been sincere and constant because the activities of the Organization pertain to work and workers. Our cooperation is based on our policy which is inspired by the words of our President, Mr. Hafez al-Assad, to the effect that we glorify work and workers, we fight against exploitation and exploiters and we are expanding our possibilities in the field of labour in order to block the path of all exploiters and intruders in the world of labour.

At this point we should like to highlight the great efforts made by the Director-General and, indeed, comment on his Report to this session entitled *The ILO, standard setting and globalization*, which discusses the issue of the recognition of the fundamental rights of workers as a precondition for social progress, the issue relating to the choice of subjects for greater impact, and the issue of the choice of form of instruments and the content of standards.

We believe that the ILO has a very important role to play with respect to the elaboration and promotion of standards and we would therefore fully support the strengthening of the International Labour Standards Department of the Organization in order to enhance its effectiveness in the protection and application of the fundamental rights of workers. However, we do not agree with the protectionist approach which links trade with labour standards.

Furthermore, we are concerned by the absence of positive steps toward the broadening of the base of the use of Arabic in the ILO bodies. We would like to see more extensive use of Arabic in the documents, studies and publications concerning Arabic-speaking States at the tripartite level. We would also like to see further reinforcement of ILO structures in Arab countries to strengthen existing offices in Beirut, Cairo and Algiers and to supplement the work of the multidisciplinary teams, and encourage the continuation of the work of the Regional Arab Programme for Labour Administration in Tunis.

I would now like to comment on the Appendix to the Report presented by the Director-General on the observations made during a mission earlier this year to Palestine, the occupied Syrian Golan Heights and other occupied Arab territories. I wish to thank the participants in that mission as well as the Director-General for having raised the following points in the Appendix of the Report.

Following the formation of the new Israeli Government on 29 May 1996, a ministerial decision was taken to cancel restrictions on settlement development in the West Bank and Gaza Strip, lifting the previous government's partial freeze of settlement expansion (paragraph 10, page 4). While the general situation of occupation remains the same, in the two domains 1996 saw a worsening: the new style of complete cutoff through total or partial closure of the occupied territories, and the rapid increase in the number of new settlements and the massive roadworks programme under way to interconnect them with Israel and Jerusalem through by-pass roads (paragraph 12, page 5).

Arabs living in the occupied Syrian Golan Heights are experiencing difficulties in having their qualifications for high- paying jobs respected (paragraph 23, page 9). The representatives of the Director-General continue to receive reports of discrimination carried out against the Arab population in the spheres of agricultural production and exports, land and water resources, and conditions of employment. As regards the confiscation of land, it was increasing. This measure had the same economic consequences as reported in previous years (paragraph 24, page 10).

The unions and human rights NGOs have also expressed concern over the regulations published by the Israeli Employment Service's Department of Payments, which oppose the transfer of workers from one employer to another, and amount to the enslavement of the worker to the Israeli employer (paragraph 30, page 12).

The employment and income situation of workers of the occupied territories has steadily deteriorated since the signing of the Oslo Agreements in 1993 (paragraph 43, page 18).

While we appreciate the information contained in the Appendix to the Director-General's Report, we should also like to point out some of its negative aspects.

The Report describes the Palestinian reaction as "terrorist acts", while it describes the acts to which Palestinians are subjected as "acts of violence". In its observations made on the ground, the mission report should refrain from the use of expressions such as "the Syrian authorities claim ..." which implies uncertainty and doubt, and expressions such as "workers in the territories" instead of "workers in the occupied territories". The Appendix also contained the expression "controversial decision" in referring to General Assembly Resolution A/51/L.68 of 12 March 1997 which condemned the establishment of an Israeli settlement on Jabal Abu Ghenaim in occupied Arab Jerusalem, and it should have also referred to the two Security Council resolutions adopted in this regard.

There is need to bolster the project and programmes with the Palestinian Authority and we hope that these activities will provide benefits to both employers and workers in the occupied Syrian Golan Heights who face the same hardships as their Arab brothers in occupied Palestine.

Syria has done everything in its power to ensure the success of the Middle East Peace Process and has cooperated with sincerity and good faith in the establishment of peace in the entire region and to put an end to war and suffering. We hereby declare and reiterate our readiness to resume negotiations in pursuit of a new opportunity to secure progress in the peace process. However, the new Israeli Government continues to ignore the achievements of the peace talks which have lasted for more than five years and is trying to bring the situation back to square one. The Government is trying to distort the base of the peace process, which was used as the terms of reference in the Madrid Conference, in the implementation of United Nations resolutions and the land for peace principle. They are inventing new ground rules according to their wishes and expansionist policy, such as "security before peace", "peace for peace" and "negotiation without preconditions".

As President Hafez al-Assad has stated, Syria has chosen peace as a strategy and has always fought for just and global peace on the basis of international law and corresponding decisions and above all, the land for peace principle, global and just peace which restores rights to persons against whom violations have been perpetrated.

The whole world and its institutions and organizations recognize that the Arabs have done all they can to achieve a global and just peace. Israel has a long way to go, it must respect the Charter of the United Nations, human rights and international resolutions to return lands and rights to those who have been dispossessed of them and it should abandon its armament policy, abandon the threat and use of force, curb its territorial desires and end oppression and massacres.

Please allow me, in conclusion, to commend the resistance of the Arab people in the occupied Syrian Golan Heights and the south of Lebanon and in all other occupied Arab territories. Victory will always come to people who fight for their rights, their freedom and their liberty.

Original French: Mr. DIOP *(Minister of Labour and Employment, Senegal)* — I would like to extend to the President the warm congratulations of the Senegalese delegation which I have the honour to head at this session of the International Labour Conference.

I also extend these congratulations to the other Officers whose contribution will also be valuable in carrying out your important mission. I have no doubt that under your enlightened guidance the work of this session will achieve the success which the international community expects of it, and I would therefore assure you of the support and cooperation of my delegation in assuring the success of your work.

The examination of the challenges and the unprecedented opportunities which accompany changes in the international environment constitutes, for the ILO, both a priority task and an historic responsibility.

Even if the Director-General's Report is reassuring as to the ILO's resources and particularly as concerns its ability to react and to anticipate developments, that is why this 85th Session should culminate, among other things, in the clearest possible reaffirmation of our Organization's mandate, particularly as concerns its role in ensuring the most scrupulous respect for the Declaration of Philadelphia and the utmost loyalty to the lessons of its founding fathers.

Today we realize that the ILO is called upon to react to what is described as a turning-point in the development of the world economy with the conclusion of the agreements which emerge from the Uruguay Round and the creation of the World Trade Organization. It is therefore most timely that the ILO should reaffirm its principles and its rules and should give fresh impetus to their application, in view of the issues and the unprecedented possibilities now open to the international community.

The liberalization of trade and the globalization of the economy must bring the prosperity and peace they seem to promise to all States, large and small, rich and poor.

In this regard, we trust that the social label will not be a pretext for rejecting the products of the southern countries because, in our view, the real issue today is to rethink the dynamics of international relations in such a way as to end the impoverishment of the southern countries; to fight poverty through the creation of wealth, to make solidarity a requirement of international cooperation, in such a way as to support the efforts of developing countries fully to exercise all their economic, social and cultural rights. This is the only fight worth fighting in our time and those too are the new responsibilities which must inspire the work of all institutions and particularly those of the ILO, an Organization whose powers, technical competence and tripartite structure are designed to facilitate a broad convergence of views.

It is to this end, and for these reasons that Senegal attending the first Ministerial Conference of the WTO in Singapore last December forcefully urged that the respect for labour standards was the business of the ILO.

Today it is important to recall that in many of our countries, although everything is being done to combat possible covert attacks on labour standards, the difficulties inherent in underdevelopment, poverty, hunger and illiteracy very often undermine the efforts these countries are making.

It is against this background that we should view the pertinent problem of indebtedness. For over a decade now, debt has been one of our countries' major concerns.

The growing marginalization of developing countries, in general, and of the African countries, in particular, is in large part due to their problems of indebtedness.

That is why Senegal, like many African countries, I have no doubt, supports the initiative of the ILO's Director-General in looking towards a more sustained collaboration with the Bretton Woods institutions through a partnership for strengthening the social dimension of structural adjustment which would take account of all the problems facing our countries in their fight against underdevelopment.

In his Report, the Director-General rightly poses the two essential and indissociable preconditions which must be met if social progress and the economic progress expected of trade liberalization and globalization are to be achieved.

"The first condition", he says, "is of a static nature: the universal recognition of certain basic rights which should allow the social partners to claim their legitimate share in the development resulting from globalization.

The second condition is of a dynamic nature: it requires the setting up of an appropriate institutional framework to encourage States to use any benefits they might reap from globalization for achieving social progress."

I remain convinced that in our various countries the social partners are already won over to the idea that they must pursue deliberate and concerted policies to ensure that these two conditions are met.

The great merit of the two conditions is to set forth clearly that globalization is a fragile process and, if it is to be legitimate, must be based on the standard-setting work of our Organization.

My delegation is among those who believe that in the present context where countries at different levels of development, countries with very different standards of living and of environment are brought into direct contact, some ILO Conventions are still pertinent and effective. This is particularly true of the Convention on fundamental freedoms and the Conventions that seek to promote employment policy. Senegal, for its part, has drawn heavily on those instruments in setting up its own national employment policy.

I would therefore like to conclude by recalling that the aim of the fundamental standards established by our Organization remains the same. These are the rights of men and women, that is, the right to protection, conciliation and social justice.

Our role is clearly to set forth the meaning and the obligations that derive from them in order to ensure the well-being and the social progress of our peoples.

Original Spanish: Mr. ALBURQUERQUE *(Secretary of State for Labour, Dominican Republic)* — On behalf of the Government of the Dominican Republic and on my own behalf, I wish to warmly congratulate the Director-General, Mr. Michel Hansenne, for his timely and appropriate decision to choose for his annual Report the subject *The ILO, standard setting and globalization.*

We all know that over these past several years serious debate has arisen between those who favour the existence of a social clause in free trade agreements because they consider it useful and effective in avoiding social dumping and those who denounce and criticize the clause as an instrument for protectionism and for domination on the part of highly industrialized States.

It would seem that the debate had been closed with the Ministerial Declaration at the WTO Meeting in Singapore, indicating that the ILO is the body wherein to consider all matters relating to the fundamental rights of workers. These rights cannot be overlooked in the framework of globalization, because if due account is not taken, this would encourage development at the margin of social justice and would deprive wage-earners of the instruments necessary to claim their legitimate share of the economic growth which is generated by trade liberalization.

How can the ILO meet this formidable challenge in respect of certain human rights in the world of work in a globalized economy? The reply offered by the Director-General in his annual Report proposes that member States commit themselves and undertake obligations to respect specific and irreducible core standards: freedom of association, collective bargaining, the prohibition of forced labour, including the struggle against child labour, minimum age for admission to work, equality of remuneration and non-discrimination. As one can easily appreciate, the Director-General's proposal is limited to those rights which should be universally recognized, sidelining quite clearly the pretention of certain persons who wish to deny developing countries the advantages that they might derive from their lower wages and social costs.

The Government of the Dominican Republic shares the Director-General's views and supports his plan. Our Government has at all times maintained its unshakable will to promote change and to become part of the globalization process whilst ensuring due respect and guarantees for the core rights of those who extend a service in return for a wage. In this way, it is appropriate to indicate that my country is signatory to six of the above-mentioned Conventions. It is only the Minimum Age Convention, 1973 (No. 138) that has not been ratified, although we are setting up a tripartite workshop to analyse its particular implications as a prior step to possible ratification.

Mere ratification of the core Conventions or a solemn declaration of respect for these Conventions, though necessary and desirable, is not a sufficient guarantee to actively foster social progress. It is essential to put in motion at the same time means which will permit objective follow-up on the real and effective application of these fundamental principles, so that in this way both national and international public opinion will be able to appreciate the efforts made by each State "to turn the economic benefits resulting from the liberalization of trade to good account in terms of social progress".

The ILO is the recognized body for setting up this supervisory machinery, which by no means implied a degree of reduction of sovereignty of each State which when acceding to the ILO voluntarily accepts the Constitution and its basic principles, such as firm commitments to strive for social progress. Machinery such as the Committee on the Application of Standards and the Committee on Freedom of Association have been effective in the fight to ensure the respect for international standards, and that is why governments and non-governmental actors should examine seriously and thoroughly the possibility to foster activities that will give recognition that we are acting in conformity with a series of fundamental principles and rights, either through the submission of a periodic report and a tripartite debate within the ILO or by the granting of a social label of a general nature, not limited to export processing zones, which would be awarded by the ILO, and not by a specific country or group of countries, so long as it falls within the voluntary framework of an international labour Convention.

The Government of the Dominican Republic firmly backs what is said in the Director-General's Report to the effect that comparative advantages related to a certain level of remuneration or social protection is legitimate to the extent that it is a factor for economic growth, but at the same time it reaffirms its unstinting will to combine its eagerness for sustainable development with the respect of fundamental human rights in the labour sphere.

To this end the Government of the Dominican Republic indicates this very clearly and echoes what the Director-General has said, that "introducing a social conditionality would be nonsense because the opening up of markets constitutes to a great extent a kind of precondition to social progress, it would be just as inconsistent to claim that all partners, in the name of social progress, should have access to all markets without having to give account to anyone on their practices in this field".

Mr. SNIJDERS *(Minister of Labour, Suriname)* — Madam President, it is a great pleasure to congratulate you on behalf of the people and the Government of the Republic of Suriname on your election as President of the 85th Session of the International Labour Conference. We are convinced that the deliberations which will be held under your expert guidance will pass off successfully.

In his Report entitled *The ILO, standard setting and globalization* the Director-General has raised a subject that proves that this institution is aware of a number of social changes taking place in today's world. The liberalization of international trade and the globalization of the economy connected with this liberalization require great efforts from businesses but even more from workers to adjust to the changing circumstances.

In particular, the interests of the workers and their rights are in danger of being undermined. We therefore think that the ILO made the right decision to address this issue, which is also in accordance with its aims.

There is no doubt that important economic questions such as employment, economic growth and development as a consequence of the globalization of the world economy have caused great changes worldwide.

Launching action models is a good approach of the ILO, since changes which may be desired take place slowly.

The sooner the developments mentioned in the Director-General's Report are observed the earlier preparations for adjustment can be made and the necessary measures can be taken.

For that matter, as circumstances in the world economy are changing, the ILO's role with regard to determining labour standards should change as well. The same concerns the structures, the organs and the mechanism which hereby fulfil a part.

My country is also confronted with the consequences of liberalization of trade and globalization of the economy. In this connection the Government of Suriname has taken a number of policy measures which should make sure that the rights and claims of workers in the new situation that accompanies liberalization of trade will not be repressed.

We also need to take care that the conditions under which employers have to produce do not change in such a negative way that productivity suffers. Within this field of tension and power it must be clear to both the workers and the employers that quality improvement of production is essential.

Within the framework of possible conditions suggested by the Director-General in his Report to enable the working class to enjoy the fruits of globalization and their rightful claims thereon, it has been proposed that some Conventions are ratified which will have to be the basis of the claims, rights and working conditions of workers and other relevant groups.

In this connection, I can inform you that because of the fact that the Government of my country attaches fundamental importance to equitable income distribution and also on the basis of our Constitution, those Conventions form the foundation of the labour system in the Republic of Suriname.

By virtue of the afore-stated, my country shall contribute to the attainment of the goals of the ILO as described in the Director-General's Report. There is no way back.

The development and progress of the workers, the creation of conditions to bring about sustainable development, as well as my Government's conviction that an equitable income distribution, socially and economically, will be an incentive to workers' dedication, give us the confidence that the ILO will give further form and content to the establishment of a just world community.

Original Spanish: Mr. RIVADENEYRA ORCES *(Minister of Labour and Human Resources, Ecuador)* — Allow me to greet the President, and through her all the delegates at this Conference, on behalf of the democratic Government of the Republic of Ecuador and express the wishes of our President, Fabián Alarcón Ribera for closer links between our country and this international organization and its structure, carrying out its principles which light the ever- wider path of labour relations, emphasizing that, on this basis, employers, workers and the Government in my country have signed an agreement entitled "Protocol for a Social Covenant". It is intended, through agreement and consensus, to come up with solutions to serious and long-standing institutional problems. Five working parties have been set up to deal with the following subjects: wage policy, employment policy, revision of social security, vocational training of workers and modernization of labour relations. All of this is intended to improve the conditions for participation in globalization on favourable terms for our country, as well as to make social justice a reality in accordance with the demands of people.

In Ecuador, under the present Government in particular, we consider it necessary to ensure co-participation and co-responsibility in applying the principles and Conventions of the ILO to which my country has adhered, and we clearly state that we will work hard to seek solutions in order to ensure that standards and Conventions are applied in full.

Furthermore, my Government supports and agrees with what was said in the Director-General's Report regarding the universal guarantee of workers' fundamental rights, and in particular, continuing those efforts initiated in the Governing Body, the drafting of a solemn declaration which would recapitulate the fundamental principles of the Organization and set up an effective and inexpensive monitoring system.

We also accept the Director-General's judgement that we member States are committed to actively promoting social progress in all its aspects at this time of globalization of the economy and services. We therefore share the initiative of the Director-General suggesting that a periodical report on social progress in the world be prepared to be followed by a tripartite debate which would enable an objective assessment to be made of the efforts made by each country to this end, which should translate into social progress the economic progress resulting from trade liberalization.

I cannot fail to explain to this Conference the events that have recently occurred in my country. Compelled by prevailing circumstances and prompted by the will of the people, the National Congress constitutionally removed the President from office, replacing him with the Speaker of Congress on 11 February last, and determined his term of office through a constitutional transitional government. This is without precedent in our history: a massive demonstration of the population in the streets without loss of human life or damage to private property. This social and legal event took the form of a referendum on 25 May last, in which the people expressed virtually unanimous support for the decision taken by Congress, and some 70 per cent declared themselves in favour of the constitutional Government of Fabián Alarcón Ribera. By happy coincidence this event is consistent with the ideas put forward by the Director-General in Chapter I, section B, of his Report. I am bringing this historic event to the attention of this distinguished international forum so that our efforts to ensure national dignity will be seen objectively and in a positive light at the international level, since we are believers in peaceful coexistence and the democratic life of peoples.

Allow me once again to pay my highest respects to the President and assure her of the willingness of the Government of the Republic of Ecuador, which I have the honour to represent, to cooperate openly with the ILO.

Mr. FISHER *(Government delegate, Australia)* — Thank you Madam President. On behalf of the Australian Government, I congratulate you on your election as President of this Conference. I also welcome the opportunity to comment on the Director-General's timely and relevant Report.

At the outset, Australia reiterates its satisfaction with the Singapore Declaration. We agree fully that the ILO is the competent body to set and deal with core labour standards. The WTO invitation to address international core labour standards is consistent with the views expressed at the Copenhagen Social Summit. The ILO must respond quickly and appropriately. The Director-General's Report contains some useful proposals in this regard.

Australia in principle gives its support to the development of a declaration of principles that would define core, or fundamental, international labour standards. We cannot, however, provide unqualified support until its details have been settled.

In this way the ILO can declare the principles of labour rights and be seen by the international community to be taking the lead. Already there is pressure in other forums for action, and the ILO must not lose the initiative. Australia believes that the declaration should not refer to specific ILO Conventions. Rather it should describe the relevant principles to which all ILO member States should consider themselves bound, whether or not they have ratified the relevant ILO Convention. We recognize that it will not be an easy task to codify the principles of the core labour standards, but it should not be an impossible one.

The Director-General has not addressed how the declaration should be implemented. Australia's view is that it would be preferable not to establish new special machinery. Rather the mandate of the Committee of Experts should be expanded to enable it to supervise the application of the core principles concerning forced and child labour and non-discrimination. Freedom of association principles would continue to be supervised by the Freedom of Association Committee.

Australia has ratified six of the seven relevant Conventions and complies with the principles of the seventh, Convention No. 138 concerning minimum age for employment. For technical reasons, Australia cannot ratify that Convention, which we expect will be overtaken by the foreshadowed Convention on exploitative child labour.

We welcome the ILO's increased focus on core labour standards. We encourage the Director-General to continue to promote the implementation and ratification of the relevant Conventions and to seek article 19 reports from those countries that have not ratified them.

Australia believes that enhanced ILO supervision of the implementation of the core standards will have a positive impact on human rights. As for the longer term suggestions in the Director-General's Report, Australia was not convinced that the social labelling proposal would contribute significantly to the observance of core labour standards. Such a scheme would have to be heavily promoted, with independent monitoring. Even then there would be no guarantee of success, because it would depend on consumer confidence in the scheme and, most significantly, consumer conscience. Australia is not convinced that the expense and effort would have a significant result. We would prefer that the energies of the ILO remain focused on the main objective of promoting the application of core standards by more traditional means.

Turning to Part II of the Report, Australia believes that the pace of new standard setting should slow down. The current process means that three technical items must be selected for every Conference agenda. This is too many. The focus should be on items which update or replace existing standards. If the international labour code is to command respect, it must be up-to-date and have universal relevance, thus the revision or termination of outdated and irrelevant Conventions is important.

The constitutional amendment to permit the abrogation of outdated Conventions is a step in the right direction. It must be followed up with the rigorous identification and abrogation of outdated Conventions. We should not be fainthearted, keeping older Conventions on the books simply because elements of them might still be relevant to a few countries. Conventions should have universal application and relevance.

The relatively poor ratification record of the so-called "modern" Conventions should be a matter of concern for all ILO Members. Why are we adopting so many Conventions which are then not ratified? This does little for the credibility of the ILO's labour code. Australia supports the Director-General's suggestions in relation to Recommendations, that more consideration be given to the adoption of autonomous Recommendations.

The Director-General's comments on the need for a more systematic follow-up and evaluation of instruments are also relevant. Australia supports the widening of the scope of General Surveys to include a more critical analysis of the instruments themselves. We suggest that a new standing Conference committee be established to evaluate instruments. However, to avoid increasing the workload of the Conference, this new committee should replace one of the three standard-setting committees.

Turning to a final point, Australia considers that an unofficial codification of standards requires stronger justification. It is difficult to see what real benefit would follow.

In conclusion, I reiterate Australia's in principle support for a declaration of principles and support for the proposed constitutional change. At the same time, Australia sees this as part of the continuing process of modernizing the ILO to meet the challenges of the next century. There remains much to be done.

Original French: Mr. PENDY-BOUYIKI *(Minister of State for Labour, Employment and Vocational Training, Gabon)* — Speaking on both a personal note and on behalf of the Gabonese delegation, I should like to extend my congratulations to the President and, in doing so, I would like to join the previous speakers and congratulate her on her election as President of our Conference. Given the way in which the proceedings have been guided so far, I am positive that they will be a success. Clearly, this session has a very key role to play because the Conference is called upon to examine and adopt the ILO budget for the millennium 1998-99.

Given the substance of the many items on our agenda, given the valuable contribution of the Report of the Director-General of the ILO, I would simply like to make a few comments on the Report, entitled *The ILO, standard setting and globalization.*

The ILO international labour standards and their monitoring system remain, as we know, an essential instrument for the promotion of democracy and human rights worldwide. Economic growth and the liberalization of trade are praiseworthy because they constitute the hope of stimulating competition for developing countries.

If we accept globalization, at the same time we must reinforce our efforts to apply ILO standards. To meet this challenge, our Organization itself must be able to seek effectiveness in the application of existing instruments as has been done, and with success indeed, with regard to freedom of association, thanks to the dynamism of the committee dealing with that subject.

The ILO, through simplified procedures, must also be able to amend or repeal instruments which have become obsolete and ineffective. In order to do so we believe that the Conference should adopt the amendment to article 19 of the Constitution, as submitted by the Governing Body.

The Director-General's Report stresses the proliferation of subjects or a number of variations on the same subject. The same subject, therefore, may be dealt with on both a sectoral and general level. We support the Director-General's proposal, in this regard, to resume the work of codification which could lead to the elaboration of an international labour code and this would be a much more practical working tool.

Globalization makes the standard-setting process of the ILO, the promotion of the fundamental rights and the will of States to ratify ILO Conventions even more complex. My Government endorses the campaign of ratification adopted by the ILO since 1995 and we should also ensure that a number of other essential rights relating inter alia to health and safety in the workplace are applied.

A number of countries have concerns of an essentially economic nature and, above all, they wish to reinforce their competitiveness in the international arena. This is why work is becoming dehumanized and social justice is on the wane. In order to be able to gauge the efforts of our Organization in terms of social progress the standard-setting work of the ILO must be truly transposed to the national level.

In Gabon, we are conscious of the constitutional primacy of law as a pledge of social justice, and we reconfirm our commitment to ILO ideals. This is why one of the main areas of progress for us in recent years will have been the adoption of our new Labour Code. Since 1994 our Government has been reforming and overhauling the labour market and, institutionally speaking, we now have a national office for employment and vocational integration and reintegration financed by the state budget. We would like to reinforce our capacity to monitor the labour market, collect statistics and create jobs. We intend to give new momentum to labour administration in one of its main tasks, monitoring the application of social legislation, which has become very complex in the wake of deregulation, restructuring and globalization.

The labour administration must also be given the effective ways and means to reach a large number of social partners in the informal sector often outside the purview of labour legislation. We welcome the relevance of an overall study on Convention No. 150 and Recommendation No. 158 on labour administration. This study, as well as the assistance of the multidisciplinary team in our subregion will in fact be of tremendous assistance to us.

Finally, our action can only be beneficial if together we look for sustainable solutions to alleviate poverty and to prevent social disorganization so that these will not persist in developing countries and especially in the sub-Saharan region of Africa.

Original Russian: Mr. LUBLIN *(First Deputy Minister of Labour and Social Development, Russian Federation)* — Allow me to join all those who have congratulated the President on her election to this high office, and to wish her all possible success in guiding the work of this 85th Session of the International Labour Conference.

This session will have to determine what kind of International Labour Organization will approach the end of this century. It will have to set the priorities for the work of our Organization, bearing in mind the needs of the ILO's member States.

One of these priorities, in our opinion, should be to improve the standard-setting activity of the Organization. In this connection, the Report of the Director-General, which contains proposals for tackling the problems now facing the Organization, represents a good basis for an exchange of views. Despite the abundance of points open for discussion, the Director-General is certainly right about the main thing. The ILO has — and must take advantage of — the opportunity, through its standard-setting activities, to fulfil the lofty responsibility for social progress which it is expected to assume in the world of the twenty-first century.

The Ministerial Conference of the World Trade Organization in Singapore, the World Summit for Social Development in Copenhagen, and the April 1996 meeting in Lille reaffirmed the ILO's leading role in ensuring social justice in conditions of economic globalization. The economic interdependence which results from exchanges of goods, services and capital has indeed pointed out the need for all the member States of the ILO to observe fundamental rights in the social and labour sphere.

I would like to remind you that my country has ratified six of the seven core Conventions, and is studying the possibility of acceding to Convention No. 105 on the abolition of forced labour.

In principle we support the Director-General's proposal that the ILO should draw up a document in the form of a declaration or charter on observance by member States of the fundamental rights in the social and labour sphere. At the same time, for the purpose of further work on this question, it is important even in the preliminary stage for us to know how and to what extent these fundamental rights will be enshrined in such a document, and what sort of supervisory machinery is envisaged.

For many countries with transitional economies, including the Russian Federation, support for such a step has particular implications.

Globalization, as the Director-General notes in his Report, has necessitated reform in a number of countries.

In the Russian Federation, as is natural in such situations, the restructuring of our economy has squeezed the resources available for providing the necessary social safeguards. Our Government thus must make difficult choices among the priorities for social policy.

The Government of the Russian Federation, which is determined to observe the key social and labour rights while taking measures to ensure financial stability, thus maintains a dialogue with the social partners.

This dialogue is aimed at ensuring, at a time of economic reform, that a balance is struck in the social sphere, and at creating a social infrastructure appropriate to the market economy.

However, it should be remembered that many of the Russian Federation's social safeguards still bear the imprint of the previous, centrally controlled economy. For some of the population they do not make economic sense, and for those who are in need because of financial cutbacks they do not provide the necessary support.

The need to reform the system is an obvious consequence of globalization, and one which the Director-General points out may make it more difficult for the Members to apply ILO standards. This contradiction is precisely what I was referring to when I mentioned the particular implications for countries with transitional economies.

It is significant that the Director-General notes that the ILO must not stand on the sideline as a trend develops whereby the social effects of globalization are accompanied by increasing privatization in the social sphere, with so-called economic expediency as the sole guarantee of future prosperity.

Clearly, the ILO needs to assist those member States, particularly those with transitional economies, which are implementing programmes involving the participation of the international financial institutions. The ILO should carry out a careful analysis and forecast how these trends will develop.

As regards the elaboration of new Conventions and Recommendations, there is a need to select the subjects of such standards more carefully in the future. In this connection, we regard as rational the Director-General's idea of drawing on the experience of the ILO's regional offices and the multidisciplinary teams, taking into consideration the views of the social partners. We also think the idea of creating a portfolio of proposals on standard setting is a good initiative. It is important here that there should be more stringent criteria for the selection of subjects of future instruments. The proposal to carry out an informal classification of ILO standards and draw up criteria with which to decide whether standards have become obsolete is also worthy of support. This could be done by the Committee of Experts on the Application of Conventions and Recommendations, for example.

This year will be a special one for the Russian Federation's participation in the ILO, as together with the International Labour Office, we are working hard to set up a multidisciplinary team in Moscow. The ILO's expert assistance in tackling social problems in countries with transitional economies is now becoming politically very important, and can indeed make a contribution to solving these problems not only in the Russian Federation but in most of the countries of the CIS.

In conclusion, allow me once again to wish all the participants in this Conference a successful and fruitful session.

Original Portuguese: Mr. PAIVA *(Minister of Labour, Brazil)* — Globalization and economic integration have affected the level and composition of employment and earnings, the social organization of labour in production and the quality of life of workers. These economic transformations at both the global and local levels have generated a need to change the institutional environment that rules the working of labour markets and the system of industrial relations.

The growing liberalization of trade gives rise to a concern that the workers should benefit from this process and that the goods exchanged through trade should be produced in accordance with the core international labour standards set by the International Labour Organization. The Report of the Director-General addresses the theme of standard setting by the Organization in a context of globalization and economic integration. This issue is of great concern to my Government, and it is the subject of the speech I am delivering at this time.

We think that the welfare of workers should be considered as fundamental in the process of economic integration and trade liberalization in order to ensure that economic prosperity and social progress proceed side by side. Globalization should benefit all, including the workers. Therefore, we must establish principles and mechanisms which guarantee that globalization encompasses a process of social integration.

The Brazilian Government considers the basic rights of workers as part of its human rights policy. For us, it is a basic principle that the recognition of workers' fundamental rights is an essential condition for social progress. We thus pledge full respect for the core ILO Conventions, the prohibition of forced and child labour, freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination. We are dealing with these issues through concerted government actions, in partnership with civil society. We are committed to eradicating all intolerable forms of the exploitation of child labour. To this end, we have created a task force to deal specifically with these questions. The Ministry of Labour coordinates action in the field of the eradication of child labour and has signed a technical cooperation agreement for these activities with the ILO. Our objective is to ratify Convention No. 138 which is now undergoing the final phase of consideration and assessment in our Parliament.

We also believe workers' rights must be defended by fighting against any form of labour market discrimination, pursuant to Convention No. 111. With the aim of providing new policy recommendations on this matter, the Ministry of Labour coordinates a group made up of members of government and of civil society. We are also implementing a technical cooperation programme with the ILO in order to design and implement anti-discrimination policies.

We are carrying out labour reform. The backbone of the reform is the adoption of plurality in union representation, broadening freedom of association and changing the ways labour unions are funded. The executive branch intends to send to the Parliament a proposed constitutional amendment that will permit us to sign Convention No. 87. We are also promoting changes in our ordinary labour legislation so as to broaden the scope of collective bargaining and to make it the core of our system of industrial relations. Collective bargaining is already a reality in Brazil.

Our actions are in keeping with the core ILO Conventions and are being carried out in partnership with workers, employers and civil society at large.

Furthermore, the Government considers that the workers must have a political voice in the process of economic integration. Their needs and demands should be communicated to governments and businesses that are engaged in the creation of new economic blocs. They have thus been given an active role in Working Group 10 of MERCOSUR. We have also given full support to the creation of a labour forum in the framework of the American Free Trade Area (AFTA).

We fully agree with the content of paragraph 4 of the Singapore Ministerial Declaration, which places the issue of labour standards within the scope and responsibilities of the ILO. The ILO should search for the means to freely promote respect for these standards. The Government shares the concerns voiced by the Director-General in his Report to the Conference. We must seek those principles and mechanisms conceived in the context of the existing powers of the ILO, and give the Organization a more vigorous approach to the implementation of and respect for basic Conventions, as was requested by the World Summit for Social Development in Copenhagen and the WTO Ministerial Conference in Singapore. We believe that the ILO should endeavour to encourage countries directly to implement basic labour standards by means of a system of accompanying measures and mutual assistance. A Recommendation accompanied by a follow-up procedure such as a report on the social progress of the world (as suggested in Part II of the Director-General's Report) might be appropriate tools to this end.

Notwithstanding our concern for implementing and respecting labour standards, the Brazilian Government has strong reservations as regards the creation of a "social label". We would rather allow this issue to ripen through further discussions so that we can all become fully aware of its implications.

We wish, however, to make it clear that we consider the implementation and adoption of core labour standards an issue that deserves attention not only by governments and international organizations such as the ILO, but also by civil society at large, including NGOs. In Brazil many of the Government's actions involve partners in civil society and are carried out through negotiations with the relevant social partners.

Lastly, we think that the ILO should focus its standard-setting role on the implementation of the core Conventions. It should also, as the Director-General recommends, be more rational and show more restraint in setting other standards.

Just as we are deeply concerned about the possibility in any international forum of disguised protectionism being established if there is a link between labour standards and trade sanctions, we also feel strongly that these standards should be promoted and valued as part of universal human rights, in conformity with the principles of the social policy of the Brazilian Government.

Original French: Mr. GOMINA-PAMPALI *(Acting Minister of Public Service, Labour and Vocational Training, Central African Republic)* — On behalf of my delegation, and speaking on a personal note, I should like to echo the previous speakers and congratulate you, Madam President, on your election to the presidency of the 85th Session of the International Labour Conference, and I wish you all the very best in this noble and honourable task.

I would also like to congratulate the Vice-Presidents, whose assistance is extremely precious, in the accomplishment of their very important tasks.

I would also like to extend my congratulations to Mr. Michel Hansenne, Director-General of the ILO and, through him, all the ILO staff for their sustained efforts in favour of international cooperation and the implementation of our Organization's action programmes.

Once again I reconfirm the confidence and the hope that my country places in the ILO and our full support for the objectives it pursues.

The Report of the Director-General of the ILO concerns standard setting this year. In the opinion of the Government of the Central African Republic, *The ILO, standard setting and globalization* is of specific interest because all the questions raised in our debates constitute, in the present context, one of the major concerns of all the constituents of the ILO in general and of the Central African Republic in particular.

Under the combined effects of globalization and liberalization of trade, the international community, if it is not vigilant will, in the short term, risk being a helpless bystander to a profound transformation of the labour world, and there may be social explosions because in their programmes for the future a number of institutions will give precedence, in the name of absolute growth, to economic development rather than social development.

The gulf of inequality between countries, and within countries between people, shall widen and deepen because the more wealth and prosperity are concentrated in one part of the planet or society, the more poverty and crises grow at the other end.

This is why the liberalization of international trade should not be allowed to worsen inequalities. Now, it must rather continue to remove customs and tariff barriers in trade between States. This is one of the basic resources for social progress. At the same time, as the world becomes a global village characterized by interdependence amongst States, we must ensure a parallelism between the economic progress stemming from trade liberalization and social progress.

The ILO, for its part, must design new standards to govern this new framework in this movement. The universal guarantee of the fundamental rights of people at work which is a condition of the participation of the workers in the profits of globalization is something very close to my Government's heart. In fact, the deep significance of these rights has been enshrined in the preamble to the Constitution of the Central African Republic, dated 14 January 1995, which guarantees the respect for fundamental human rights in all their forms.

Committed to the key principles of liberal, pluralist and participatory democracy, which has guided our political regime since 1993, the Central African State has understood that development, an obsessive myth of modern times, is, basically, first of all, a matter for humankind, and this is why we have set up a ministry responsible for human rights. This conviction means that we fully support the two axes of thought of the Director-General in his excellent Report. The liberalization of international trade in the context of globalization should not have a negative impact on the fundamental rights of workers.

Finally, before closing my speech, I would like to thank Mr. Michel Hansenne, the Director-General of the ILO, for all the attention and assistance afforded to my country, especially reinforcing the technical skills of the labour administration of the Central African Republic, of which I am in charge.

We are very attached to the ILO's work at a time of turmoil and social and political tension in my country which has led to a quasi-breakdown of society and an unprecedented destruction of the economic tissue because the political and military events of 1996 have deeply weakened our economic structures and led to insecurity. National solidarity may be called into question if our national efforts towards recovery are not supported by the international community.

I should also like to avail myself of this opportunity to launch an appeal to the international community to support and extend the action of the ILO to help to support the efforts of our people and the authorities in my country to get out of this crisis which, in the long term, may end up as one further human disaster.

The combination of these contributions could enhance the functioning of our labour administration and could help us meet the priority objectives that we have indicated in the social sphere. Finally, I would like to extend my greetings and thank the population of Switzerland, especially those in the Canton of Geneva for their hospitality in this country which is the meeting point between all the men and women who fight and work for the promotion of social justice worldwide, which is the main aim of this august and venerable Organization. Once again, thank you for having given me the floor so that my country's voice can be heard.

Original Spanish: Mr. DAER *(Workers' delegate, Argentina)* — The General Confederation of Labour of the Argentine Republic has participated with great interest in the discussion of the matters on the agenda of this 85th Session of the International Labour Conference.

In the face of the challenges presented by the globalization of the economy, and the interdependence and globalization of phenomena resulting from them, we consider the ILO to be an essential tool to build a more just and equitable society and to strengthen world peace.

It is for this reason that I wish to congratulate the Director-General for his Report and, in particular, matters relating to compliance with core Conventions and the corresponding commitment which all Members take up in respect of basic rights as well as ensuring their respect and control by all using the very innovative mechanisms proposed in the Report.

For these reasons, it is useful, within the framework of this august assembly, to concentrate our efforts on giving thought to these proposals, which we must urgently strengthen in order to mitigate the effect of globalization on our peoples, in particular, in those economies which are subject to very strong external financial conditionalities.

The democratization of national and supranational decision-taking bodies, the strengthening of the social dimension in economic development and the revitalization of tripartite dialogue are the best contributions which this generation can achieve in order to build a new social contract, a task which must not be delayed.

While many voices are still complaining that our governments are moving backwards in terms of labour legislation and social security, under the pretext of modernization, it is the very model which they helped to promoted that is having the most negative effect.

Neo-liberal policies, the retreat of the State, the increase in social conflict resulting from unemployment, the unjust distribution of wealth and the lack of opportunities are definitive proof of the perverse nature of an irrational and savage market.

We must ensure that the State reassumes a more active and energetic role, using its sovereign power without conditionalities based upon the requirements of the market and on economic flows. This State must guarantee a just reallocation of resources, equitable administration of social opportunities and balance in capital-labour relations.

The change has already started in this globalized world. Economic fundamentalism has failed. Today the time has come for social equilibrium.

Argentine workers have accepted the challenge of transformation of the country, but we do not accept that it be built on the basis of unscrupulous political and economic interests which endeavour to impose ultra-liberal ideals by eliminating entrepreneurial risk, reduction of wages, elimination of institutions and mechanisms created to protect individual workers and the workers in their collective organizations, thus opening the road to hyper-concentration, maximization of profits, and the installation of structural poverty and social exclusion.

The General Confederation of Labour favours democratic construction through social dialogue. Collective bargaining, freedom of association, representation of the workers through their trade unions, solidarity and participation in the design of social policies, are for us the road which will permit us to fight against unemployment and exclusion.

On these bases, and after great efforts, we have entered into a declaration of agreement with the Government on 9 May. The employers' reply was quick in coming. They are using all their efforts to hinder this accord. The Government now has to take the floor if it really does believe in progress and social equilibrium, as well as in the respect for basic rights of workers and their representative organizations.

The ILO has to affirm, without any doubt, that competition cannot be based on ignorance or watering down of core social rights. The elimination of trade unions, the weakening of the collective bargaining system, the removal of protection from stable employment, cannot be used as sources of competitive advantage. It is therefore urgent to adopt effective international measures to rein in this offensive against those principles and values which gave rise to this Organization and gave it legitimacy.

We come with all the force of history and of the difficulties we are encountering at present, in order to support a more active and effective role for the ILO in defending the basic rights of workers. Let us not forget today that fighting against unemployment, encouraging social integration and avoiding the violation of labour and social standards are the best and only ways to strengthen democracy, the rule of law, and to guarantee peace and welfare for our peoples.

Mr. KINYONDO *(Minister for Labour and Youth Development, United Republic of Tanzania)* — Madam President, on behalf of myself and the Tanzanian delegation may I take this opportunity to congratulate you on your accession to the high office of President of the 85th Session of the International Labour Conference, which you deserve 100 per cent by your excellence in mastering it.

I congratulate the Director-General for his topical and analytical Report. Indeed globalization has ushered in a host of new stakeholders other than the traditional social partners we are accustomed to. These new stakeholders have their own interests and are committed to achieving their objectives, some of which are oblivious to the effects they will have on other stakeholders' interests. Globalization has opened up the doors of liberalization of manufacturing and international trade which, according to the Singapore World Trade Organization Conference, has created more better-paid jobs in many countries. Unfortunately, this remains to be seen in many developing countries, which continue to bear witness to raising wage inequalities, unemployment, job discrimination, alienation of qualified native management, declining living standards and increasing poverty.

In the process of globalization, some countries have emerged as winners where others have been relegated to the position of losers, hence leading to their marginalization and the relevant investors — concentrating only on a few States — simply do not care. Globalization must not end in the rape of weak countries, rather it should result in equitable mutual benefits by all indulging in it, so that it may escape unnecessary conflicts that may even result in wars.

Also statistics indicate that agricultural employment, which has traditionally been the highest sectoral employer in many developing countries, has dropped to 61 per cent while industrial employment has risen to 14 per cent in the wake of globalization. For low-income countries like the United Republic of Tanzania, this small industrial sector is still unable to absorb the thousands of new entrants into the labour market, as a result of which they seek refuge in the informal sector, where legislative protection and hence labour standards afforded them are minimal.

There has thus evolved the need to refine our policies in such a way that they are twofold: i.e. addressing those fortunate enough to retain their jobs in the light of the ongoing structural measures, while tackling their transitional employment problems inherent in the globalization process through the creation of more employment-cum-income-generating opportunities. This is the reason my delegation subscribes to and supports the ILO's endeavours to evaluate the impact of standards and reviewing them in the process.

Benefiting from the fruits of globalization ought to encompass a workforce that enjoys social justice, security of employment, and terminal benefits into their old age in the form of sound and comprehensive social security. Indeed the empirical evidence recognizes that globalization offers mutual benefits and growing opportunities to all countries if so willed, but we should not be oblivious of the costs incurred in the process, hoping that they will simply fade away in the long term. Though we acknowledge that relevant policy measures are required to cope with the difficult structural economic adjustment problems, our efforts must be complemented by the international community, as propounded in the Director-General's Report on the ILO's standard-setting and monitoring mechanism.

Bearing in mind that the formal sector is typically very small and the enforcement capacity very weak, labour standards in many developing countries apply to only a small fraction of the labour force. Most workers are not reached by protective labour legislation and, through such legislation, standards. As often pointed out, they benefit from public action that attempts to improve the working environment in the rural and informal sector, e.g. through the provision of drinking-water, electricity, improved sanitary conditions, the eradication of infectious diseases and more.

Hardly ever are social justice and progress addressed conjuncturally. Standards were not conceived for the purpose of only protecting urban workers but also, I believe, to create more opportunities for *all* working people, through which they may achieve that objective of social progress.

My Government has adopted employment policy reforms to enhance employment and sustain income-generating activities. These policies seek to improve and promote micro and small-scale enterprises with a special focus on self-employment of youth, women, retrenched workers and persons with disabilities, most of whom are concentrated in the informal sector. Although implementation of these policy reforms are still in their embryonic stage, we are optimistic that they will be successful given the appropriate enabling environment, lubricated by internationally recognized facilities and binding standards. The Tanzanian Government is pleased to note that this session of the International Labour Conference has a committee discussing for the first time the issue of job creation in small and medium-sized enterprises, with the objective of formulating a coherent set of guidelines specifically addressing the means of encouraging employment creation through small and medium-sized enterprises. Going by albeit little experience we have had, in conjunction with examples from other countries, my Government believes that this lacuna ought to be filled by this Organization with the necessary growth catalysts and standards.

In this manner, we believe, the ILO's fundamental standards would have greater universality in the their application. We believe that by subscribing to the Constitution of the ILO, the United Republic of Tanzania has indicated our political will to achieve this end.

Original French: Mr. DIOP *(Workers' delegate, Senegal)* — Madam President, first of all on behalf of the Workers' delegation of Senegal and in my own name, I would like to congratulate you on your election and wish you every success as President of the 85th Session of the International Labour Conference. Your election is well deserved for many reasons, judging from your background as an experienced champion of human rights, in particular those of women and children.

Globalization, which was the centre of our discussions in Dakar a few weeks ago at the meeting of the 12th Pan African Congress of the ORAF/ICFTU, is again this year the focal point of the present session.

The reason for this is that globalization is one of the main concerns of workers and their trade union organizations. Its repercussions on the economies of developing countries are criticized every day, because they place workers and the populations of these countries permanently in a precarious situation and create more and more hardships in employment, education and training, health, and of course for women and children.

We cannot overemphasize the trials that our populations are undergoing, because globalization has led to a strengthening of structural adjustment policies and a worsening of the debt burden. The most visible consequences of this are unemployment and underemployment, enterprise closures and privatization, devaluation of our currencies, the progressive elimination of the public service — in short, the pauperization of entire social strata of the population.

Moreover, the crisis and the need for investment are always used as an excuse for violating human and trade union rights.

Trade union rights are violated everywhere, with workers being thrown into prison for insisting on payment of their wages, opposing the privatization of national companies or demanding more democracy and social justice.

Elsewhere, subtle methods are used to amend labour legislation so as to make the employment market more flexible, sometimes without the workers' representatives knowing. This is the appropriate forum to denounce the Organization for the Harmonization of Business Law (OHADA), which is engaging in this type of practice in West Africa. That is why we are in favour of the proposed solemn declaration of fundamental workers' rights on behalf of all Members of the ILO, whether the corresponding Conventions have been ratified or not.

What is the point of having international labour standards if we do not strengthen the supervisory mechanisms so as to follow them up and enforce them? That is why the ILO needs to fine-tune its strategies and at the same time step up its technical cooperation activities. The multidisciplinary teams are making a major contribution towards the attainment of this goal.

Considering the social upheavals that are taking place in the world, I would like to stress the need for trade union organizations to strengthen their competence in the field of economic and social development. In addition to its principal activity, the trade union movement — which is defensive by nature and hampered by its cooperative approach — should henceforth become involved in national development activities. This new mission of the trade union movement means that it must become involved in world issues which it has to adapt to. We must invent a new approach to the challenges of the third millennium, and this through a strengthening of tripartism.

In my country, Senegal, tripartism is well established and accepted by all the social partners. It has made possible a permanent dialogue among all the social partners in development. In addition to the official tripartite consultation structures (the National Labour Advisory Board, the Tripartite Follow-up and Consultation Committee), the Head of State of Senegal twice a year receives the social partners after their quarterly meetings with the Prime Minister. Thanks to these meetings, trade union organizations have managed to make significant progress in defending the interests of workers, inter alia, by reviving a number of enterprises that were in difficulties or had been shut down, by paying several months of arrears in salaries in enterprises threatened by uncontrolled liberalization, by consolidating the autonomous management of the social security institutions.

Our organization, with the support of the social partners, has started to set up a purchasing centre in order to offset inflation and speculation on the prices of basic commodities. It is also working on the introduction of a national employment retirement solidarity fund to combat unemployment and the threats hovering over the future of our social security institutions.

There are other avenues that we are pursuing with our partners because we must rethink our action in terms of the changes that have occurred and find the means of entering the third millennium with a greater chance of succeeding in the social area of development. It is up to us and us alone to create the right conditions so as not to be excluded from the game that is being imposed on us by globalization.

Original Thai: Mr. BOONRAT *(Workers' delegate, Thailand)* — On behalf of the Workers' delegates of Thailand, I would like to convey the best wishes of the Thai workers to this Conference for successful and fruitful deliberations.

Thailand is developing from an agricultural society into an industrial one. Most workers are exploited. In the era of globalization the promotion of free trade has had bad repercussions on Thai workers and the Thai labour movement. Foreign investment has been moved from Thailand to Viet Nam and China, where labour costs are cheaper.

Workers in the textile industry have been laid off and the employers have refused to comply with trade union collective bargaining agreements. This has created a lot of difficulties for Thai workers. These kinds of situation are going on and will increase further in the near future due to the declining economic performance of the country. I believe that more and more workers will be laid off and exploited. Employers do not intend to comply with the laws. There will be more and more worker strikes, protests and demonstrations in order to force employers and the Government to comply with Thai legislation and trade union collective bargaining agreements.

Thai workers believe that the liberalization of trade or free trade may take place peacefully only when there is fair treatment of all workers as human beings regardless of national origin, religion and sex. Fair practices may only be guaranteed through the ratification of the seven ILO core Conventions. Unfortunately, the Thai Government has only ratified two ILO core Conventions, namely Nos. 29 and 105.

What I have mentioned here is the present situation of workers in Thailand. In order to make it more clear I would like to summarize the situation of Thai workers' problems as follows. First, there is continuous unfair sacking of workers. It is still going on due to the introduction and implementation of new technology without taking account of the job security of workers. There is the move of multinational companies to other countries in order to seek better profit opportunities and there are more contract labour practices. Contract labour problems are serious for both the private and the public sectors. They constitute one of the major problems in strengthening the Thai trade union movement. A huge migrant workforce has replaced Thai workers in a lot of sectors. This has led to poor enforcement of labour laws. Labour standards have also been ignored. State enterprise workers do not have the right to organize trade unions and are not free to join under the same umbrella as private sector workers. Child labour is growing due to the increase in the services industry.

On behalf of Thai workers I would like to request the ILO to provide technical assistance to the Thai Government and the Thai labour movement. First, to convince the Thai Government to ratify more ILO core Conventions, for example, Nos. 87 and 98, in order to promote better labour standards in Thailand. Second, regarding contract labour, to provide short-term technical assistance in order to assist the Thai Government to determine measures to protect workers' rights in this sector. Third, to provide technical assistance in order to assist the Thai Government in solving the disappearance of the former President of the Labour Congress of Thailand, Mr. Thanong Po-diarn, who disappeared on 19 June 1991. Fourth, regarding migrant workers, to provide technical assistance in order to assist the Thai Government to determine measures to protect migrant workers' rights and determine measures to plan the flow, numbers and areas of work.

As the Thai workers' leader, I would appreciate it if the ILO could play a more important role in the world of free trade in promoting ILO Conventions for a better standard of living of workers as a whole.

Lastly, I would appreciate it if some parts of my speech today were followed up by the ILO. I would like to thank you for giving me this opportunity to address you today and I hope that this 85th Session of the International Labour Conference will be successful.

Mr. KWON *(representative of the International Federation of Journalists)* — It is an honour to address you on behalf of the Korean workers.

Let me first thank the Director-General for his admirable leadership and his Report which outlines the conditions which show the continued significance of the ILO in the era of globalization.

The struggle of Korean workers earlier this year can be a model of how the ILO standard-setting and supervisory capacity can contribute to the efforts for social justice.

It must be noted however that there is still no full freedom of association. The Korean Government claims that the new labour law, enacted without workers' participation, meets the ILO standards but, in fact, it continues to deny the right of teachers and government employees to join a union of their choice. As a result, the Korean Teachers and Educational Workers' Union is still outlawed and its newly elected president and other active members are subject to persecution. The Korean Government also continues to deny legal recognition for the Korean Confederation of Trade Unions because, among other reasons, it has outlawed the teachers' union. Many thousands of unionists support imprisonment and dismissal just to achieve this much. I am certain that this was how all the labour rights came into being in those countries where they have become the foundation of their societies.

This kind of struggle is continuing today, and a great number of workers are even today suffering from repression as can be seen from the Experts' report.

Our efforts for basic labour rights and social justice, difficult as they are, are today facing unprecedented difficulties and challenges due to globalization.

Globalization, as rightly noted by the Director-General, opens new possibilities for global progress. However, as widely acknowledged by the ILO, and even the World Bank, it represents a radical challenge, or even destructive threat, for our societies. This is the cause of people's actions such as the recent wave of strikes in Europe and Korea. These tell us that workers both in the advanced industrial nations and emerging countries will refuse globalization which pits workers against each other and the worsening social and working conditions.

Globalization calls on us to renew our commitment to the basic rights and benefits embodied in the ILO standards. This is the message contained in the Director-General's proposal for the declaration of our commitment to the fundamental ILO Conventions.

The efforts to strengthen the ILO must be combined with efforts to strengthen the agents who struggle for this end so they are able to take up the ILO standards as an effective instrument of their struggle.

Allow me to point out the issue of trust in the efforts to build a shared vision for global social justice. There is a sense of mistrust in our debates. We should not shy away from it lest it returns with a vengeance issuing from the historical experience of colonial domination and exploitation.

On the one hand, the former colonial powers devastated by the Second World War have recovered their standard-setting spirit and this year we celebrate the 50th anniversary of the Marshall Plan that enabled it. However, the colonies and societies and peoples are still languishing or just beginning to gather themselves to develop.

I do not know if their efforts for development take the form of catching hold of, or trying to catch at the coat tails of globalization, which everyone regards as a source of greater problems. I believe the Director-General's reference to an equitable share of the benefits of globalization pointed to this issue which has been with us for the last few decades. It is the issue of equitable share of the world's prosperity and humanity's development across nations and peoples, especially across South and North.

A vision and the strategy to come to terms with globalization must tackle this issue head on. It must be based on a clear reaffirmation of our solidarity for common welfare. In the context of the ILO, this calls for the strengthening of its technical assistance capacity.

There is the special issue of trust for the Korean unions. The debate over Convention No. 29 involving war-time "comfort women" has shown the need for real solutions to deep-rooted mistrust. The healing of wounds is only possible when the death-bed wish of victims for the restoration of their honour and dignity, which cannot be bought with any amount of money, is fulfilled. Without this it would be impossible to win the trust needed for a common vision and solidarity for common welfare.

Finally, while we recognize the inevitability and the overall welfare effects of the free movement of capital, we must develop creative and effective means to encourage or force transnational corporations (TNCs) to become responsible citizens of the world. The urgency is accentuated by the rapid erosion of government capacity and the ever-increasing power of TNCs or financial giants to dictate to the governments, especially in the developing nations, to create a tailor-made environment for themselves.

In conclusion, I would like to declare my full support for the Director-General's Report for the strengthening of the ILO as it is a cornerstone of a broader strategic effort for globalization of social justice. The Korean Confederation of Trade Unions will work in solidarity with all others who share the vision to build a historical and social force capable of harnessing the energy of globalization for the realization of the common human aspiration and global social justice.

Mr. WISTISEN *(Workers' delegate, Denmark)* — It was with great pleasure that we in the Danish trade union movement received the Report of the Director-General to this year's session of the International Labour Conference. The discussion of ILO standards is crucial as we are faced with the ever-increasing globalization of trade and industry. More and more power is concentrated in the hands of the multinational companies. At the same time the WTO has paved the way for increasing business and investment across borders. Free general trading blocs reinforce these developments. It is therefore more important than ever that the letter and spirit of the ILO standards be observed. It is nationally recognized labour standards that represent workers' protection in a world with increasingly intensified competition. International relations may contribute to economic growth but we will not accept that free competition leads to workers' lives and health being put at risk.

It is therefore important for this Conference to continue the approach contained in the Copenhagen Declaration and confirmed at the WTO's Conference in Singapore. Here the countries committed themselves to respect basic workers' rights. In the ILO we must express our sharp condemnation of countries using forced labour and at the same time we must ensure that multinationals investing in these countries cannot do so with impunity, but it must be reflected in public opinion.

Children should be secured education and should not spend their childhood in factories. All countries should live up to this responsibility, and in the more wealthy part of the world we have an obligation to secure assistance for the implementation of training programmes to replace child labour.

The report of the Committee on the Application of Standards also shows that a number of countries do not respect the basic conditions of membership of the ILO. In coming years attention must therefore be focused on the various countries' application of the principles of freedom of association and the right to bargain collectively.

I would like the ILO to be given more power to secure basic rights through the use of the procedure which applies to the observance of Conventions Nos. 87 and 98. We all know from our daily life that if we are members of an association we have to follow the rules in force. This should apply particularly in the ILO.

We strongly support a discussion of this issue at coming sessions of the Conference. I can also support the intention behind social labelling. However, such an arrangement must be given real value through supervision of observance. There should be no possibility of empty advertising as in the case when certain companies prepare an eloquent code of conduct without involving the employees or their organizations in the formulation of such rules.

I would like to congratulate the Director-General on this Report and urge that its contents be debated between the secretariats of the ILO and the WTO as foreseen in the Singapore Declaration. I hope that at the WTO Conference in 1998 he will not, for the second time, be denied access to speak.

Original Arabic: Mr. BAKHEIT *(Employers' delegate, Sudan)* — May I start by expressing the warm congratulations of my delegation to Mrs. Keltošová on her election as President of this session of the Conference. Her wisdom and experience will surely contribute to the success of the Conference.

I would also like to thank the Director-General for his Report and for his choice of topic, namely, the ILO and its activities with regard to standard setting in the context of globalization.

We are convinced that the elaboration of standards is the main task of the ILO and its very *raison d'être*. The Director-General has made an apt choice for the theme of his Report. We would nevertheless like to comment on the suggestions and analysis contained in the Report.

Firstly, as a member of the Employers' group and along with all the partners of this Organization, we have a very great responsibility to accord the highest priority to standard setting as prescribed in the Constitution of the Organization and the Declaration of Philadelphia to promote social justice and ensure peace in the world. We therefore support all the efforts made by the Director-General and the Governing Body in the campaign to increase ratification of the core Conventions dealing with human rights. But we hope that there will be still greater effort in that area and, particularly in the Employers' Federation of Sudan, we have initiated serious dialogue to achieve this objective. Nevertheless, all this calls for conviction within the framework of constitutional structures and existing ILO supervisory mechanisms since there could be frightful consequences if we imposed these standards, particularly in developing countries which are enduring such painful and tough economic conditions.

Secondly, as we have said before, we hope for the continuation of the principle of voluntary acceptance of international Conventions by member States, while taking the necessary measures to encourage these countries to adopt the international Conventions. As to human rights, which has become a political instrument to punish all countries which have not obtained the advantages of the new economic order, some countries adopt measures which go as far as boycotts and embargoes, without a thought to the devastating consequences on the lives of people.

In Sudan, we believe firmly in social justice and the importance of the complementarity of the social partners because the Islamic religion establishes these principles.

The attainment of these objectives must be through good relations between the rich and poor countries, the cancellation of debts accumulated by the poor countries, and through technical assistance to help them to achieve their potential and modernize their societies. We also believe that these countries must work relentlessly to revise their legislation and policies in order to achieve these objectives.

In Sudan, as employers, we have met with our partners under a commission charged with the revision of labour laws, and we have managed to achieve tripartite participation, based on the expansion of the labour force and worker protection.

As far as the low level of ratification of Conventions is concerned, especially the core Conventions, we fully support the efforts of the Director-General to encourage more countries to ratify these Conventions. We must help those countries to overcome their difficulties but not through threats and blackmail.

We believe we should encourage them by offering greater flexibility in solving their problems, and do so in a serious and neutral fashion.

We thank the Governing Body for choosing the question of general conditions to encourage employment creation in small and medium-sized enterprises, and a study has already been carried out to that end.

Prior to the opening of this session of the Conference, on 25 and 26 May, we organized a workshop on the role of small and medium-sized enterprises on the creation of jobs in collaboration with the ILO. Various studies were presented and discussed by the experts. The workshop adopted conclusions and recommendations of benefit to the social partners, that is to say, the Government, the employers and the workers.

Our Government has signed a peace agreement with the rebel factions to put an end to the blood-letting of the past 40 years. In the Employers' group, we have encouraged each employer to invest all their effort in our nation to reinforce the structures, to rebuild the country and particularly the areas which have been so affected by the war. We appeal to the entire international community, the richer countries and industrial forces and financial institutions to help us in this task.

After studying the report of the Director-General regarding the situation of workers in the occupied territories, particularly in Palestine, the Golan Heights and southern Lebanon, we see no progress or development. On the contrary, the conditions of workers has worsened because of the actions of the Israeli authorities.

We appeal once again to the ILO to increase its cooperation and technical assistance to solve these problems and to improve the lot of these workers.

Mr. SHAETONHODI *(Deputy Minister of Labour, Namibia)* — My intervention will mainly be confined to the Report of the Director-General on standard setting and globalization, the subject of debate in this august house. Namibia has been following the debate with great interest on the issues of standard setting and globalization. We in Namibia attach great importance to the universally respected fundamental human rights in the workplace. These two issues have been the focus of debate since the Social Summit in Copenhagen in 1995 and the recent meeting of ministers of trade in Singapore. These issues have also come up at a time when the ILO is rigorously advocating the ratification of ILO standards, in particular the seven core Conventions on fundamental human rights.

Namibia supports the objectives of the ILO and a system of labour standards aimed at achieving these objectives. We believe that ILO standards play an important role in helping member States, especially developing countries, to improve the well-being of their people through an equitable approach to socio-economic development. We recognize that there is an urgent need to strengthen the ILO supervisory machinery and to support effective implementation of these standards throughout the world.

In pursuance of social justice, Namibia ratified two of the seven core Conventions, namely Convention No. 87 on freedom of association and the protection of the right to organize and Convention No. 98 on the right to organize and collective bargaining. It is pleasing to note that the fruits of such ratification are currently being realized throughout our socio-economic structures. It is also encouraging to note that both the Namibian Constitution and the Labour Act explicitly prohibit forced labour and child labour practices. This in itself demonstrates the Namibian commitment towards human rights and social progress.

As you may be aware discrimination in pre-independence Namibia was institutionalized, meaning that marked disparities in the fields of education and training, employment and occupation still exist. In our efforts to redress past discriminatory practices and to bring us into line with the provisions of Conventions Nos. 100 and 111, a policy in this regard has been developed and legislation on affirmative action and equal opportunities in employment is due to be promulgated. This we have achieved as a result of our continued cooperation with and through the ILO and, in this case, the Government of Norway.

On the topical issue of the globalization of the economy, the Report of the Director-General acknowledges the existence of differing views concerning the impact of globalization on social issues. These views we believe place the ILO in a difficult position as it strives to advance its objectives in fulfilling its sacred mandate. While recognizing the possible benefits the global economy may generate, Namibia maintains that the ILO must never compromise its historical mandate of standard setting, monitoring and evaluation. It should be pointed out that investments that big economies make in the developing world should not be geared towards forcing developing economies into a situation where the rights of the workers are sacrificed. Instead, the ILO should step up its efforts to establish a more useful medium of promoting social justice and progress in member States as they strive to survive in today's globalized economy.

Namibia further supports the motion that member States, whether or not they have ratified the core Conventions, should be obliged to submit regular reports to the Organization. In our view, such an approach could help to instil among member States a sense of responsibility towards the achievement of social progress worldwide. Taking into account these developments, it is imperative for the ILO to increase its technical assistance, especially in developing countries, and to devote more resources to the activities of multidisciplinary teams. This would significantly advance and intensify the efficiency and effectiveness of developing countries in applying ILO standards.

Namibia further agrees with the principle that the guarantee of fundamental rights is a prerequisite for social progress and wishes to recommend that the report on social progress should not just be one of statistics but should give examples of success and hence failure, and by implication try to avert factors leading to failure, and lead to the implementation of, where practical, systems that would bring about success. We therefore wish to recommend a regular report of this kind, preferably on a biennial basis.

In conclusion, we trust that the Report of the Director-General will further open a lively and constructive debate. Let us again rededicate ourselves to the noble ideals and objectives we have set for ourselves as we address the problems and challenges facing us, and seize the opportunities being presented by the advent of the twenty-first century.

Mr. CELI VEGAS *(representative of the World Federation of United Nations Associations)* — The Report of the Director-General presented to the first plenary sitting of the 85th Session of this Conference emphasizes globalization. The Director-General states that economic progress should be accompanied by social progress and that the ILO should guarantee a greater universality in the application of its fundamental standards. In fact, the Director-General went so far as to say that the universal guarantee of fundamental rights is a prerequisite for workers to be able to share in the benefits of globalization.

A large group of people of all nationalities are not specifically covered by any ILO Conventions. The World Federation of United Nations Associations requests that their rights should be included in the greater universality of application of standards. These are the spouses or partners or international corporate, diplomatic, intergovernmental, governmental and non-governmental organization employees. They can be excluded from the workforce for most of their "working life", often working hard for their spouses' employer but without remuneration. The majority of these spouses are women. These are surely in violation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

In view of the Beijing Conference which recommended an improved role for women, and in light of the ILO's new International Programme on More and Better Jobs for Women, the WFUNA urges the General Conference to consider this matter, and is taking its own action through "Working Partners", which promotes international development by supporting spouses who wish to maintain their own career.

In this era of globalization, mobility of both goods and people will continue to increase. People need greater access to the means of employment for work mobility. People stationed in one country are assigned to take responsibility for or to work in other particular countries. Within the new principles of the world trade system, people should be free to move from one country to seek work in other countries. This calls for the reorganization of international employment systems.

Therefore, the number of expatriates in any country will continue to increase. They consist, mainly, of two groups: those who serve in the diplomatic corps or international organizations; and those who work in multinational businesses. The spouses of these expatriates, most of whom are women, usually find it difficult to obtain gainful employment in the host countries. Most of them become frustrated at not being able to pursue and develop their own careers. Many marriages are broken, productivity declines, children suffer.

There are several barriers in the present employment system which generally prevent spouses from working in host countries. First, there is a misperception among governments, trade unions and other institutions about expatriates and their spouses. They think that both expatriates and their spouses take jobs from the domestic labour forces. The evidence does not support this. Second, there have been cultural and psychological barriers in diplomatic service to spouses working in the same office of an institution, or even spouses working at all in a host country. If a spouse is working in a domestic enterprise, it might be necessary for them to give up their right to diplomatic immunity. Third, there has also been a misperception in companies that employ many expatriates. Most employers think it will increase their costs if spouses work in the same company, and that it will reduce the efficiency of the expatriate workforce if spouses work in other companies.

Employing spouses will give benefits to employers of expatriates, the host country, as well as to the families of expatriates. First, the benefits of employing spouses in the same companies or organizations will be a reduction in the cost of recruitment, overseas transportation, medical insurance, housing and education allowances. Second, the host country will benefit through the employment of spouses, because it will reduce the hiring costs of expatriates, which, in turn, will have a positive effect on trade and development. Third, employing spouses not only will add to the family income of expatriates, but will also encourage both expatriates and their spouses to pursue and develop their careers. Therefore, the reorganization of the international employment system is important in order to ensure much more mobility of people whose work takes them from one country to another. The new international employment system should ensure greater access to employment in host countries for the spouses of expatriates. This will come about only by the agreement of all countries through the United Nations or at least the International Labour Organization.

In the meantime, the WFUNA's Working Partners' Programme is strongly recommending that: (a) employers in multinational enterprises, including offices of international agencies in host countries, should increase the recruitment of spouses of expatriates providing they have appropriate qualifications; (b) the

ILO should widely clarify and dispel any misperceptions of governments, trade unions and employers in many member countries on the role of expatriates and their spouses; and (c) national governments and the ILO should study the numerous projects and job-creation programmes created by expatriate spouses and working partners which promote development and increase employment and training opportunities for nationals.

Failure to address this issue will lead to a decline in international development, security and trading, as expatriate mobility declines, and employers fail to recruit adequately qualified and motivated people, with more assignments ending prematurely.

Original Spanish: Mr. BENTANCOR *(Workers' delegate, Uruguay)* — Poised as we are on the threshold of the third millennium, our world is currently undergoing changes that deeply affect the various political, economic and cultural systems. Globalization of the economy and of trade, regional integration processes, along with the effects of the technological and scientific revolution, mark all of these changes. The changes are proceeding at a dizzy pace and are highly complex. The outlook for the future is consequently deeply uncertain. Unemployment, poverty, marginalization, the exploitation of child labour, contemporary forms of slavery, increasing manifestations of xenophobia and racism across vast sweeps of the earth, all oblige us to think very carefully about problems old and new that are currently afflicting mankind.

In today's world scientific and technological progress opens up enormous possibilities for people, never before in history has humanity been endowed with so many and such rich resources as today.

These facts place us at a kind of ethical crossroads. The choice is stark. Either we build a new political and social order, that is at the service of man, or we convert ourselves into being the willing agents of irrational and dehumanizing productive development.

The existing economic system both compounds inequalities and creates categories of sideline citizens and on the other hand increases disproportionate profits for the few. The alternative is to construct societies that involve democratic decisions about the fabulous riches that the intelligence, the efforts and the sacrifices of millions of workers have contributed to generating.

We have to curb fierce competition that sweeps aside the elementary rights and freedoms that belong to people with their yearnings for social justice and which may even sweep the entire planet that is ever more threatened by ecological pillaging. In this context it is more and more vital to seek agreements between various sectors of society. These should be set up within the framework of the hard and fast principles of justice, democratic consolidation, social solidarity and cooperation. This will make it possible to achieve greater social equity and justice within the framework of stability and democratic dialogue.

We workers assign a vital role to the ILO. It should be remembered that both in the conclusions of the 1995 World Summit in Copenhagen and in the Singapore declaration, participating governments stressed that the ILO has to play a special role in the field of employment and social development and that the ILO is competent to establish labour standards and monitor their enforcement.

At the same time we have to demand consistency between the declarations made at certain international summits and international practice and behaviour. Bolstering the supervisory machinery and respect for ILO Conventions, in particular in the sphere of fundamental human rights, are ways of assessing the political will of the member States to comply with the commitments and declarations made at these conferences.

Although we do not believe we are attacking an essentially legal problem — it is rather an ethical and political one — our trade union delegation nevertheless supports the proposals contained in the Director-Generals' Report, with certain reservations. We believe that the Director-General's document contains some very interesting aspects regarding social rights. A proposal for greater political and moral responsibility within States deserves our attention.

Furthermore, we agree with the tools for putting this into practice, namely accepting international inspection, the so-called overall social labels, demanding explanations why certain Conventions have not been ratified or are violated. I think it is a good idea to lay more stress on the fact that responsibility exists not only by virtue of ratifying a Convention but also by the simple fact of adhering to the ILO Constitution, to its objectives and principles. Solemn tripartite declarations on essential aspects that must be respected, whether or not the Conventions have been ratified, along with regular reports on social progress in the world followed by tripartite debate, is another fascinating suggestion to be found in the Report.

The present economic climate implies the need for both a social clause like the one championed by the MERCOSUR trade union organizations and for more trade union action at the international level with its necessary protection. The creation of conditions that would improve labour and social relations by focusing on the need for social justice should be a standing goal for this Organization. The principles set out in the Declaration of Philadelphia more than 50 years ago are as topical as they ever were in today's world.

Original Arabic: Mr. AL-TAIB *(Minister of Labour and Vocational Training, Yemen)* — In the Name of God, the Merciful, the Compassionate! From the outset I would like to express on behalf of the delegation of the Republic of Yemen, and myself, sincere congratulations to the President on her election to chair this session of the Conference. We are convinced that her experience and competence will guide our work towards success. I would also like to congratulate the Vice-Presidents on their election and wish them every success.

Madam President, thanks to your vast experience as a member of this Organization, you will understand the present and future challenges which are increasing the expectations of workers with regard to the resolutions and recommendations that will result from this Conference with a view to the achievement of the objectives set forth in the Constitution of our Organization, because the ILO, with its tripartite structure, is responsible for monitoring and defending the interests of the workers who are the most important component of production. It is thus up to the ILO to strengthen relations between its constituents in order to improve the production process and increase productivity, through a good understanding between the agents of production and increased international investments to promote development in general.

As you have seen, the items on our agenda are of the utmost importance and deserve an in-depth examination on our part, particularly the question of the ILO's standard-setting activities, which is one of the most important issues dealt with in the Report of the Director-General at a time when globalization is spreading to all sectors of activity: the practical, scientific and organizational sectors of our Organization.

It is obvious that the Report of the Director-General has triggered a considerable amount of controversy this year with regard to the social clause in the context of the liberalization of trade. Although we are convinced that account must be taken of the fact that social standards must be developed along with economic progress, unfortunately economic development has been accompanied by recession and unemployment in our countries, which means that our societies are at present not in a position to respect new standards which are likely to be misunderstood or misinterpreted. This might hamper trade flows and increase unemployment. That is why we believe that the question of the establishment of a link between the social clause and international trade requires further examination and be dealt with in an in-depth study.

Despite the progress accomplished by the Organization with regard to technical cooperation — as reflected in the number of beneficiary States and organizations as well as the increase in the budget in this sector and the increase in activities — the poorest countries which have the greatest need of such cooperation in order to build their infrastructure should be able to benefit from broader programmes.

I would like to draw your attention to the situation in the Arab territories occupied by Israel since 1967. The situation of employers and workers is constantly deteriorating, and is characterized by increasing economic and social suffering in the region due to the practices pursued and measures adopted by Israel in violation of the Constitution and standards of our Organization: violations of the right to work, industrial boycotts which prevent people from putting their goods on the market, the confiscation of land, the establishment of settlements, measures to Judaise Jerusalem, the repression and harassment of the Arab population.

We express the wish that our Conference will adopt a resolution condemning all of these measures which infringe international law and human rights. At the same time, we hope that the Organization will strengthen its technical programmes in order to help the Palestinian Authority in coping with this very difficult situation.

We welcome the initiative adopted by the Organization to monitor the implementation of programmes for Palestinians. We are very happy with the general outline of the budgetary proposals for 1998-99, in particular with regard to the Regional Office for Arab States. We would urge the ILO to strengthen its activities in the region.

Original Spanish: Mr. GONZALEZ CASCO *(Government delegate, Paraguay)* — The Government of my country which considered the Conventions and Recommendations of the ILO, would like to underline its action to ensure that the rights, guarantees and obligations enshrined in the current legal framework are being carefully observed and fulfilled.

My country is not a stranger to developments called for in labour matters. My Government understands this well, and I am pleased to be able to inform you that the latest increase in the minimum wage has been carried out allowing for inflation, with the agreement of employers and workers. The Government of Paraguay is actively fostering the establishment of trade unions, offering guarantees with regard to non-intervention in their internal debates.

The main concern of my Government is of course labour conflicts, particularly those of a collective nature and calling for the attention of the labour administration authorities. It is therefore a favourable time for the establishment of tripartite bodies, which are tending to find excellent solutions to labour problems, through the observation of the principles of dialogue, negotiation and conciliation. In this way, numerous subjects of social importance have been able to be amicably resolved without calling for intervention by other decision-making authorities which always turn out to take so much longer and to be more onerous for the parties involved. Thus, more than 60 per cent of the conflicts brought up for discussion this year have been able to be resolved to the satisfaction of all parties, and it thus demonstrates that this practice is held in much greater esteem in our society, not only as a mechanism to avoid these problems but also to find solutions that benefit all parties.

The implementation of labour laws has contributed significantly to satisfying protests and demanding rights, as well as raising public awareness with regard to the observance of labour standards. A relevant point this year has undoubtedly been the inclusion in the budget of the general expenditure of the nation of budget lines for medical insurance and family allowances for state employees.

With regard to civil servants, in February 1994 the President of the Republic presented to the President of the Federation of Public Servants a draft of new statutes for public servants, drafted by eminent constitutional lawyers from my country. In turn the Federation of Public Servants handed to Parliament a new version of the statutes. For their part, the public servants brought together in the Central Union of State Employees (CESITEP) their own draft text for these statutes, as a code for state employees. Consequently, members of the Chamber of Deputies submitted a draft law for the statutes governing public servants. At present the only draft text being studied at parliamentary level is the one put forward by the Chamber of Deputies, but it has to be pointed out that that text has not been endorsed by the public service unions.

Following the policy of observing and implementing article 19 of the ILO Constitution, in May 1997 the National Congress handed in a list of international instruments approved by the International Labour Conference between 1982 and 1994. This puts into full operation the obligation to submit these international instruments to the competent authorities.

In addition, it has become common practice to request the registration and publication of collective contracts on conditions of work in the public sector, which themselves constitute a clear example of the negotiation and consultation which are gaining greater esteem in this labour sector.

In order to confront the challenges of globalization, in which we have been immersed as a result of the Treaty of Asunción, which brought into being MERCOSUR, the Ministry of Justice and Labour, in search of excellence in the workforce and training for the working class, encouraged the development of courses, seminars, workshops and discussions directed at various types of workers through the National Service for Professional Promotion. These initiatives are designed to allow the national labour force to fulfil the new requirements of today's labour market.

We wish to congratulate the Director-General on his Report and his important proposals which we hope will be carried forward after tripartite consultations in each country and we support the adoption of a solemn declaration reaffirming the fundamental rights of workers and its application for all member countries of the ILO.

Finally, we wish to thank God for being able to share this with you all.

Mr. BANDA *(Deputy Minister of Labour and Manpower Development, Malawi)* — It gives me great pleasure and honour to be accorded the privilege of addressing this assembly on behalf of the Government and people of the Republic of Malawi.

On behalf of my delegation and indeed on my own behalf, I wish to congratulate you, Madam President, on your well-deserved election to the high office of President of the 85th Session of the International Labour Conference. I do believe that with your vast wealth of experience, wisdom and able guidance, you will bring the proceedings of this Conference to a very successful conclusion. In addition to this blessing I would like also to assure you of the support of the Malawi delegation in all deliberations at this Conference.

Turning to the theme of the standard-setting function of the International Labour Office, my delegation considers the Report of the Director-General to be a positive search for solutions to labour problems embedded in the overall international development endeavour. Given the mandate to advance world peace through promotion of social justice, this is a very welcome move which explores further avenues for the International Labour Organization to promote and maintain social justice in line with the constantly changing world.

I am pleased to inform this noble assembly that Malawi attended the Singapore Ministerial Conference of the World Trade Organization (WTO) on core labour standards, and that, Malawi agreed with others, I quote, "that core labour standards should not be included in the WTO negotiations because the International Labour Organization (ILO) is the most competent body to set and deal with these standards and that the WTO should only support the ILO for its work in promoting them".

The Singapore Ministerial Conference also rejected the use of labour standards for protectionist purposes and agreed that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question.

I am also pleased to inform this noble assembly that under our Malawian democratic Constitution, all ratifications of Conventions have to be presented to the National Assembly before the State President gives a consent.

I am also pleased to inform you that Malawi is now processing and consolidating the national labour legislation on the bases of the Conventions that our present democratic Government has already ratified, and those not yet ratified.

As you are aware, the market economy and democracy are indeed gaining ground, though at levels which differ from one country to another. I am pleased to inform you that soon after the Government led by the United Democratic Front came to power on 17 May 1994, the Government introduced the Poverty Alleviation Programme because the Government is aware that Malawi is one of the poorest countries in the world. This programme is meant to eradicate from our people the miseries of ignorance, disease, hunger and the national debt burden.

I am also pleased to inform you that the Malawi Government has introduced the Free Primary School Education Programme for our girls and boys. The Malawi Government has also introduced the Girls Free Secondary School Education Programme. The Government believes education is the key to development and also the way to open access for women to Parliament.

Finally, Malawi needs ILO assistance in the areas of employment promotion such as entrepreneurship development for small and medium-sized enterprises, and also in the consolidation of the mechanisms of tripartite cooperation. My Government believes that tripartite cooperation is the instrument that could empower workers to feel proud that they are part and parcel of the social and economic development of our country in order to bring about social harmony between the three social partners, the Government, employers and workers.

Mr. TROTMAN *(Workers' delegate, Barbados)* — Mine is the voice not only of organized labour in my own country, Barbados, but of my colleagues in Antigua and Barbuda and the Bahamas, in Belize, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, Saint Kitts and Nevis, Saint Vincent, Suriname, Trinidad and Tobago as well as Bermuda, Curaçao and Montserrat who are not yet Members of the ILO.

We all have a history of exploitation and abuse of our masses by small privileged groups and we are all quite appreciative of the significant difference made to the quality of life in our countries by the standards set by successive sessions of the International Labour Conference and applied by our political and business leaders. It is this history which leads the workers of the Caribbean to support without qualification the call made in the Director-General's Report for greater membership ratification of Conventions and implementation of the standards in their daily activities. I hope the interpreters will forgive me for digressing to say that this must not be understood to mean that we agree totally with the Director-General's Report. The Caribbean naturally has reservations about parts of that Report, but we welcome it as a provocative item intended to challenge ILO Members to re-examine their positions on the role of the International Labour Organization as a setter of standards.

We reject out of hand as misleading and untrue any claims that would suggest that the basic standards currently exercising the attention of the ILO have to wait until countries have reached a satisfactory level of development before they can be applied to those countries. We equally reject as spurious and distasteful the suggestion that those of us calling for certain basic social and living standards are making out a case for a single global minimum wage or that we are questioning the entitlement of developing countries to benefit from their comparative advantage. After all, we in the Caribbean are developing countries which are striving even now to benefit from that said comparative advantage.

What the Caribbean Trade Union abhors is the interpretation which some, hopefully absent from this Conference, would seek to give to the term "comparative advantage". By the term, some believe that they see an excuse for sending school-age children to perform invisible work or wage work when they should be enjoying the pleasures and the innocence of childhood and when, from the earliest possible time, they should be experiencing equality of opportunity by having their right to whatever education is available, since without equality of educational opportunity there can be no equality of work opportunity and no equality in that country's distribution of its social benefits.

Today we in the Caribbean region still bear the scars of enforced labour, whether it was called penal servitude as with the British poor whites, or indentured labour as with our East Indian victims, or just ordinary slavery as with the Africans corrupted by their northern neighbours.

In spite of that past, we can boast of civil and social provisions where the offspring of those slaves are the leaders of parliaments, the heads of state and the intellectual inspiration of our nations. What makes this possible is the preparedness of those who previously exercised power and privilege to share that power and to surrender some of those privileges. It was a clear matter of enlightened self-interest. Those leaders were willing to guarantee suitable education for all because they realized that true and lasting peace would never be realized within national boundaries or indeed across datelines, if some fundamental right of equality of opportunity was not confirmed and underlined by the right of equality of education and hence the need to abolish child labour. The case we make for the abolition of child labour we make equally for the cessation of discrimination in conditions of work and pay levels, the discontinuation of forced labour and of course the right of association and to associate and bargain collectively.

Time will permit merely a brief summary of how the Caribbean labour movement sees support for these basic rights as being vital to the development of our region. We insist that the development of our countries has only taken place where the masses in those countries have experienced an improvement in the quality of their lives. Development must not be approved or supported if it means the encouragement of private wealth at the expense of the well-being of the masses.

We submit that the International Labour Organization, acting as a global mirror, has been able to permit us to look critically at ourselves and to make appropriate adjustments to our dress. The world leaders who met a few short years ago in Copenhagen at the World Summit there confirmed that the Caribbean view is generally acceptable. What is required now is the political will of those governments to move beyond philosophical and intellectual support to an action plan to remove from the roots those abuses which continue to breed poverty, hatred and social exclusion.

The Director-General's Report is timely in these circumstances. We urge you to give it your support. To do so is not blindly to adhere to the shibboleths of the past but rather to ensure that the mad rush to maximize profits does not result in the building of global ghettos with all their attendant social consequences. What we need to ask ourselves is are we creating a pond only for the fast fish or are we creating a pond for all fish?

Original French: Mr. NSENGIMANA *(Minister of Public Service and Labour, Rwanda)* — Allow me to congratulate the President on her successful election to the presidency of the 85th Session of the International Labour Conference. We are convinced that her competence and wisdom will imbue this assembly with a spirit of mutual understanding amongst all the partners present today. I would also like to congratulate Michel Hansenne, the Director-General of the ILO, for his clear and precise Report.

The effects of the genocide undergone by my country represent a disaster that will be with us for a long time. However, the peoples of Rwanda, attached to the ideal of reconciliation, are making tremendous efforts to restore the economic, social and cultural fabric of the country. The Government of National Unity, set up on 19 July 1994, is firmly committed to a course that will restore the hopes of the Rwandan peoples to live together again, and has made a major effort to reconcile all sections of the Rwandan population.

Rwanda, although it upholds the fundamental principles of the International Labour Organization, which is to operate according to a tripartite system, was unable to ensure the participation of all of the social partners due to the present precarious economic situation.

At a time of globalization, my country has introduced a system that is open to one and all. Available posts are subject to competition, the principle being that recruitment is based on competence and experience. The Government is doing everything to limit the obstacles hampering national and foreign investments. This open policy should not, however, make us overlook or forget the social reality of our country and all other countries. Indeed, liberalization should also be aimed at the creation of employment and the promotion of SMEs according to the needs expressed by our respective local communities.

My delegation is not in favour of the link which the Report of the Director-General makes between labour standards and international trade, since this involves protectionism and perpetuates traditional inequalities between developed and developing countries.

My country very much appreciates the aid and assistance provided to it by the International Labour Organization. For this purpose, I would like to refer to the revision of our Labour Code in order to adapt it to the basic instruments of our Organization. The officials of the labour administration in my country have been following a training course at the Turin Centre for the last two years in the field of international labour standards.

The Regional Office of the ILO in Abidjan sends us experts so that together we can examine our priorities, and my country sees this as an effort on the part of the Office to provide us with assistance after the loss of a large part of our human resources in the 1994 genocide.

My country very much appreciates this assistance. However, allow me to say that it is far from sufficient to cover all of our needs. I would thus like to request the assistance of the ILO and, through the ILO, the assistance of all lending institutions, so that all of the projects that were suspended in the wake of the 1994 events can be relaunched for the benefit of the Rwandan people in general and workers in particular.

I would like to end by asking all delegations to speak on our behalf vis-à-vis their governments and their respective bodies and organizations, so as to help Rwanda in its national reconciliation efforts and in its efforts to bring about rehabilitation and development of its human and socio-economic resources.

(The Conference adjourned at 7.30 p.m.)

Tenth sitting

Friday, 13 June 1997, 10 a.m.

President: Ms. Keltošová

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT — We shall now resume the discussion on the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. GRECH *(Minister for Social Welfare, Malta)* — Madam President, I take this opportunity to congratulate you on being elected as President of the Conference. Likewise, I would like to congratulate the Director-General for his excellent Report which goes a long way towards seeing the ILO adapt itself to the requirements of the changing world both towards and into the new millennium.

During the past years, this Organization has been carefully examining the social aspects of economic globalization and this Report shows that it has now produced some specific recommendations for action. The liberalization of trade alone will not lead to a universal improvement in standards of living unless it is accompanied by the observance of those fundamental human rights of which the ILO has always been a champion.

Although as of October last there has been a change of government in Malta, I can assure the Conference that the new Government has the deepest respect for the ILO with which it intends to work very closely. My country adheres to this Organization's principles and there are definitely no fundamental issues in regard to the acceptance of these principles and their application in everyday life.

The Report this year suggests that the ILO should adopt a minimum of social requirements which would enable an ongoing assessment by the ILO itself as to what extent social progress in a particular country is keeping pace with the process of economic globalization. We in Malta believe in a flexible tripartite approach to economic and social problems. In point of fact, consultations on these subjects take place on an ongoing basis in the Malta Council for Economic Development which is the highest tripartite forum on economic and social policy in Malta.

In the international sphere, Malta is giving its full support to the European-Mediterranean initiative which, amongst other things, seeks to secure economic and social cooperation between European and Mediterranean States so as to ensure balanced development in the region. Our hosting of the Euro-Mediterranean Conference last April is living proof of our commitment in this area.

Since taking over the Administration last November, the Government of Malta has been actively examining the fiscal system in consultation with the social partners and economic bodies. The objectives of the new system of taxation are not only the raising of fiscal revenue but, even more important, the observance of equity and the promotion of balanced economic and social development.

As regards the self-employed, besides appointing a parliamentary secretariat for the self-employed, an ad hoc committee was also set up to examine the social problems affecting such persons. This committee has already made its first of a series of recommendations to the Government. Special training programmes have also been introduced for self-employed persons who need management training. Other initiatives for helping small and medium-sized firms are also in the pipeline.

On the other hand, the Employment and Training Corporation provides training courses for persons seeking employment and for those who seek to improve their career opportunities. It also provides specialized vocational training courses for persons with special needs, including the disabled.

Unfortunately, during the past 18 months, there has been a slowdown of the economy which has resulted in an unacceptable rise in unemployment. But the situation is none the less being carefully monitored. Furthermore, in view of the relatively low rate of female participation, measures are actively being considered to induce married women to combine work and family responsibilities and to facilitate their re-entry into the workforce.

I am pleased to note that one of the items on this year's Conference agenda deals with general conditions to stimulate job creation in small and medium-sized enterprises. The present Administration in Malta is committed to stimulate the growth of SMEs and for this purpose a special division within the Malta Development Corporation is being set up to provide technical assistance to small enterprises.

Occupational health and safety is an area where the social partners have always been very cooperative and the Government is relying on their continued cooperation to embark on new initiatives and improvements. Although most employers in Malta are small and meet with problems when investing heavily over a short period of time, health and safety cannot be compromised. The situation is therefore being carefully monitored to ensure that work practices are improved in an orderly way without causing undue disturbance to industry.

The social partners wish to see an improvement in the present system of industrial relations and to reduce as far as possible the need for compulsory arbitration. This is a controversial area where progress necessarily takes time and the new Administration is examining the situation very carefully. The Malta Council for Economic Development has made some practical suggestions for improving the machinery for the voluntary settlement of trade disputes by conciliation and for expediting arbitration procedures. However, there is a general consensus among the social partners that it is not possible for the time being to proceed with the entire removal of compulsory arbitration.

I conclude by wishing the ILO, and particularly the Director-General and his staff, every success in their efforts to see this Organization take on with pride and dedication a new role — a role adapted to the needs of the new millennium.

Mr. NGUYEN LUONG *(Vice-Minister of Labour, Invalids and Social Affairs, Viet Nam)* — First of all, allow me Madam President, on behalf of the Vietnamese delegation and on my own behalf, to congratulate you on your election to the highest office of the 85th Session of the International Labour Conference. We believe that under your able chairmanship, our Conference will arrive at a successful conclusion.

During 78 years of its existence and development the ILO has adopted 180 Conventions and 187 Recommendations. The ILO's standard setting has been significantly contributing to the protection of legitimate rights and the interests of workers for social justice and social progress in member States and in the world. The ILO's contribution in this connection has been widely recognized. However, as indicated by the Director-General in his Report, this could be improved if the objectives were more targeted. As our resources are limited, in our opinion, in the forthcoming years the ILO's efforts should be focused on reviewing and revising existing instruments with a view to making them more relevant and realistic, and thus increasing the rate of their ratification and application.

In this regard, we welcome the inclusion on the Conference agenda of the discussion and adoption of an amendment to the Constitution which allows the Conference to abrogate many obsolete Conventions by a two-thirds majority.

Of course, we must not forget that the most important task of the ILO is to help increase employment and eliminate poverty. This task must be given the highest priority. The employment picture of the world is still not as bright as we expected it to be. We are seriously concerned about the employment situation. Employment is the first priority in our national policy. We would like to see the ILO paying more attention and giving more resources to employment promotion, as it has been mandated by the Copenhagen Summit.

The Singapore Ministerial Conference of the World Trade Organization has arrived at two very important points relating to the issue of labour standards. First, the use of labour standards for protectionist purposes should be rejected. Second, the comparative advantage of countries, particularly low-wage developing countries, must not be put into question.

We share the assessment of a great number of delegations that "social labelling" will only lead to protectionism, which has been rejected by the Singapore Ministerial Conference. In our view, "social labelling" will not help promote the implementation of labour standards, but rather, will only complicate efforts to strengthen them. We wish to reiterate our position that the most effective way to encourage member States, especially developing countries, to accept and to comply with labour standards is to extend to them more technical assistance and cooperation. The imposition of standards and of any unrealistic supervisory mechanism will bring about only negative effects.

Viet Nam always attaches great importance to labour standard setting and implementation of basic ILO Conventions which provide better protection and better living conditions for workers. In accordance with this policy, we have ratified 12 ILO Conventions and have been making reference to many other instruments in the process of formulating our Labour Code of 1994 and its by-laws, despite the fact that Viet Nam rejoined the ILO only in 1992. At present our Government is considering ratification of Conventions Nos. 100 on equal remuneration and Convention No. 111 on discrimination.

In conclusion, let me assure you that the Government of Viet Nam, while striving for economic development and a just and civilized society, will do its best to fulfil the obligations of an ILO member State.

Mr. BARAK *(Government adviser, Israel)* — At the outset may I congratulate the President on her election as President of this session of the Conference. I am sure that under her skilled guidance our work will be successful and fruitful.

May I also congratulate the Director-General, Mr. Hansenne, for the thoughtful Report he submitted to the Conference regarding the issue of standard setting in the light of the phenomenon of globalization, which strongly affects the economic and structural environment of our world.

No less important are the reports submitted to the Conference by the Chairperson of the Governing Body describing the activities of our Organization during the last year in a variety of fields within the scope of the ILO's competence. Of these I would like to mention just a few, namely, developing and promoting employment and social policies, participation in the international effort to combat child labour, improving conditions of work and lodging of migrant workers, and dealing with legal issues concerning the supervisory procedures for the implementation of international labour standards.

Turning back to the Director-General's Report, we share with him the opinion that the time has come for an overall evaluation of all problems concerning the standard-setting machinery of the ILO. At the same time, one should add a word of caution as regards the solutions offered by the Director-General in his Report. Indeed, the need for the examination of these problems, which were so amply defined by the Director-General, is apparent, whether in connection with the question of globalization, or as an important and independent issue which needs to be dealt with urgently and systematically. On the other hand, if we are to consider new approaches to the standard-setting procedures, for example, by strengthening the system of Recommendations, we should still adhere to the Conventions as the mainstream of ILO standard setting, so that the obligatory nature of the body of international labour standards will remain intact.

May I refer now to another topic being addressed in this Conference — namely contract labour. Although the legal meaning of this term is quite complicated, it is still clear that we are dealing here with people who are performing work while their status is uncertain. On the one hand, they are not considered as workers, while on the other hand, they are not economically independent, and so cannot be considered as self-employed.

As a rule, in Israel this uncertain status does not exist. We recognize legally either the worker/employer relationship or the status of independently self-employed people. Everyone who performs work must fall into one of these two categories, the labour courts having formulated very clear and wide-ranging definitions for both.

Furthermore, specific legalisation provides that when a worker receives his or her wages not on a monthly, weekly or daily basis but rather on the basis of production, be it the number of units produced or sales success, this does not constitute a derogation from his or her status as a worker entitled to all the benefits provided under labour administration or collective bargaining.

As regards the revision of Convention No. 96 dealing with fee-charging employment agencies, may I mention that in Israel we have provided for the protection of workers in need of the services of private employment agencies by a means of network of wide-ranging legislative measures. Restrictions imposed on these employment agencies concerning the collection of fees from workers, on the one hand, and the principle of equal treatment to be ensured for all workers, without any discrimination, on the other hand, are well-rooted in our legislation. We have also recently provided for these and other measures of protection to cover workers employed by labour contractors.

While indicating our appreciation of the Director-General's main Report, we cannot but express with regret our disappointment with its appendix which, as reflected in its title, is supposed to deal with the situation of the workers of the occupied territories. Instead, it is a highly political Report addressing a range of sensitive issues which are outside the competence and mandate of the ILO in general, and the Director-General's mission in particular.

Because of its bias and inaccuracies, the report cannot be taken seriously. This is a pity, because its real purpose is to focus on technical assistance which the ILO can offer Palestinian workers. Israel is in favour of such assistance and would wish to cooperate, but all this Report has done is to alienate the Government of Israel, ultimately to the detriment of Palestinian workers.

Our guest of honour this morning is His Majesty, King Hussein of Jordan. On behalf of Israel I would like to salute him as one of the great peacemakers of our time. Not only has he made peace between Jordan and Israel, but he has helped keep the Middle East peace process together. Within the peace agreement between our two countries, we are endeavouring to improve conditions for workers on both sides of the border. Among other steps taken in the sphere of labour, a joint industrial park is being planned for the Aqaba-Eilat area and we are contemplating joint activities in the field of vocational training. The potential is great.

In brief, there is as usual much to be done, both at the global level and at the regional level, in cooperation with all our original partners. The ILO must help these endeavours, not hamper them. Now it is time to get down to practical work.

Mr. RYCHLY *(Government delegate, Czech Republic)* — First of all let me tell you how pleased I am that the Presidency of this session of the Conference was given to a person from Slovakia, a country which still remains so close to the Czechs.

The Report presented to the Conference by the Director-General is certainly not a boring or sterile, theoretical essay. It tries to respond to the challenge of globalization in the economy, with concrete suggestions, which is to be appreciated. I would personally like to express my view on two crucial problems: the universal protection of basic labour rights and the standard-setting activity of the ILO.

The Czech Government welcomes the consensus reached, thanks also to the help of the ILO, as regards the contents of the so-called basic labour rights. These standards, contained in, among others, the seven basic ILO Conventions, are being fully respected by the Czech Republic, and we would naturally welcome their universal implementation. The method chose for their further promotion or supervision — and their definition — should be based on the widest possible consensus of governments and social partners. Moreover, the appropriate mechanism must be given an indubitable legal basis.

As regards the standard-setting activity of this Organization, I welcome all proposals to work for its further improvement. In order to keep this kind of ILO activity as a kind of "jewel" — it must bring in some real "added value". By that, I mean value that cannot be created within the framework of national legislation or collective agreements. Paramount attention must be given to the choice of topics for international instruments, as well as to their appropriate form. This goes not only for future standards, but also for the ones adopted in the past. This is why I can only welcome the fact that on this year's agenda there is a draft amendment of the ILO Constitution enabling it to cancel obsolete and non-functioning standards. I also welcome, in this connection, the negotiations on the revision of Convention No. 96. Just as it is true that governments and parliaments of member States must sometimes go back to existing legal instruments to adjust them to new conditions and needs, it is also true that international standards cannot claim an immortal existence.

The budget proposal for the next two years which is going to be presented to this Conference will contain restrictions in practically all items. These are certainly distressing measures, but they reflect the efforts made by most governments to decrease public expenditure and strengthen public finances. I am afraid that even the Government of the Czech Republic has recently had to take stringent measures, responding to slower economic growth and increasingly unbalanced situations both in international trade and the national budget. After a successful transition towards the market economy and several years characterized by economic growth and improving living standards, we are forced now to make some corrections to our economic policy, as well as to take some other unpopular measures. Apart from the above-mentioned reduction of the state budget, it will be necessary, and here the Government coalition is in agreement with the opposition parties, to reduce the rather too fast growth of wages in both the public and private sectors in order to bring it into harmony with the growth of labour productivity. The Government is also determined to help accelerate the process of structural changes in the micro-economic sphere, even at the cost of an expected moderate increase of the hitherto very low unemployment rate.

It is obvious that these measures can hardly be put through without the understanding and cooperation of the social partners. Our Government has already given an impulse to a renewed dialogue with the most representative associations of employees and employers. Negotiations at the highest level have started. These events are surely not going to be exceptional.

I would like to point out that the corrections our Government recently decided to make in no way mean a withdrawal from the basic targets that were in view from the very beginning of the economic reform and the transition towards the market economy. On the contrary, some steps have to be accelerated. Above all, it is necessary to finalize privatization of a number of strategic enterprises, including banks, and to improve the legal framework for the market.

While respecting international engagements, it will also be necessary to finalize the social reform, with the aim of finding a more effective way of using available resources. A crucial task then remains: searching for a reliable and balanced way of financing pension insurance. It is quite natural that in this field we will be inspired by the best foreign experience and as in the past we are looking forward to cooperating with the ILO.

Mr. RAJAPAKSE *(Minister of Labour and Vocational Training, Sri Lanka)* — Madam President, on behalf of the delegation of Sri Lanka and on my own behalf, I am greatly honoured to extend to you and the Vice-Presidents of the 85th Session of the International Labour Conference my sincere congratulations. I am confident that under your able leadership this Conference will achieve success through frank and constructive debate.

The Director-General of the ILO deserves our appreciation for submitting his Report on standard setting and globalization to the current session of the Conference. The topics covered in this Report, including social labelling, are important and deserve careful consideration, particularly the effects on developing countries.

The Director-General's remarks on the social dimension and the liberalization of trade contained in his Report are very timely. However, there is another aspect of globalization which is a priority for most of the developing countries. I am referring to the inflow of investments and technology, both of which are essential for rapid economic growth and social development. I think these topics need careful consideration because there are different viewpoints in regard to labour laws and standards and their impact on trade and the inflow of investment and technology.

In over a century Sri Lanka has enacted 45 labour laws. This provides a comprehensive range of benefits and protection — protection to workers that includes freedom of association, minimum wages, conditions of employment including termination of employment, safety and health, social security, protection of women and children, and foreign employment. We are indeed very proud of the record of safety nets that have been provided for our workers. Since 1919 we have used the ILO's standards as a basis for our legislation. In fact, we have ratified 36 ILO Conventions so far and more ratifications are in the pipeline. This is the fourth highest number of ratifications in Asia and the Pacific region. If you compare this figure with some of the fastest growing economies in the region, where there is a large influx of foreign investments, the number of ratifications is much lower.

Sri Lanka, like several other developing countries, has provided attractive packages of incentives to foreign investors. In addition to this, foreign investors often ask for more flexible labour laws and a less regulatory environment. It is said that in faster growing economies, the prevailing labour laws and labour standards are more favourable to investors. This raises a very pertinent question. Is there a link between inflow of foreign investment and labour laws and labour standards?

In his Report the Director-General refers to the findings based on a questionnaire on the social dimensions of the liberalization of trade. He says that there has been a relative decline in the ratification of Conventions. At least in some cases this may be due to reticence to make long-term international commitments. In the same way when it comes to foreign investments too there appears to be a need to examine carefully the extent to which labour laws and standards affect the inflows of foreign investment and technology. The tripartite structure of the ILO provides us with a unique consultative mechanism to examine such issues and reach a balance between the demands of globalization and social protection.

In conclusion, I would like to state that as far as Sri Lanka is concerned, we are firmly committed to democracy, social justice, tripartism and a stable system of social protection for workers. Countries like Sri Lanka with a long tradition of labour protection established labour standards long before the advent of globalization. Therefore, in keeping with the times, we are prepared to review and revise our labour laws and standards. In fact, we have already formulated a national workers' charter in consultation with our social partners. We need to take this process forward so that we can take advantage of the economic and technological benefits of globalization. Following the same line of thought, Sri Lanka will support the proposal for an amendment to the ILO Constitution to authorize the Conference to abrogate Conventions that it considers obsolete. But what we are not prepared to do is to compromise the values that are enshrined in our labour standards — the values to which we are firmly committed, including those that are clearly expressed in the ILO Constitution — and I quote: "Universal and lasting peace can be established only if it is based upon social justice" and "labour is not a commodity". I wish the Conference every success.

Original Spanish: Mr. MODU AKUSE BINDANG *(Minister of State for Labour and Social Security, Equatorial Guinea)* — On behalf of the delegation of Equatorial Guinea and on my own behalf, may I congratulate the President of the 85th Session of the International Labour Conference on her election. My congratulations are addressed also to the Vice-Presidents and other Officers in the assurance that your well known ability and experience will lead to the successful conclusion of this Conference.

We are aware that the present situation deserves much thought to ensure compliance with the obligations and social progress in the various member States through overall social adjustment which will give a general feeling of well-being.

Our statements may seem repetitive. All regions of the world are represented at this session of the Conference and our objective is to lay a solid basis for lasting social developments. We cannot endeavour to improve the life of our citizens where there is social imbalance.

The Director-General's Report appeals to our consciences. Humanity is facing a major challenge. The world is also confronted with suffering caused by regional and local conflicts, the debilitating effects of sickness, poverty, hunger and natural disaster.

We must endeavour to ensure the future welfare of all nations with vision and in a spirit of tolerance which requires social peace. Isolated efforts are not enough: we must take joint action, there must be solidarity, and especially solidarity between rich and poor so that the ideals of social justice become, not a mere declaration of good intentions, but takes shape to the satisfaction of all member States.

The ILO must create reliable mechanisms leading to true social structure in each member State for the consolidation of social dialogue. By this we mean that we cannot lay the foundation for sustainable development if our structures are not consolidated. We face enormous difficulties.

The Report of the Director-General is an extremely important document which requires of us thorough analysis to come up with the appropriate responses. The ILO's accumulated experience, its objectives and its work are deciding factors. We must commend the Report in its reference to the need to strike a global balance between social and economic progress as a consequence of trade liberalization. We believe the ILO — as in the past, must continue its efforts on the international scene to redress imbalances and improve the worldwide dialogue for greater universality in the dynamic promotion of social progress which recognizes the fundamental rights of workers, giving the appropriate impetus at the institutional level and thereby creating a mechanism of emulation among States.

Many member States of this Organization, like my own country, face major difficulties. We experience difficulties in the stability of employment promotion, in the implementation of the role of the ILO in our existing socio-political structures, including in multiparty democracies. We are also experiencing problems created by the devaluation of the CFA franc, the repayment of our external debt, and structural adjustments as required by the World Bank and the International Monetary Fund. In short, we are having all kinds of difficulties. But we continue to have faith in the role of the ILO in improving our structures and safeguarding social peace in our States.

My country and Government have been, are, and will be walking hand in hand with the ILO as a member State. We have ratified a number of Conventions and are prepared to ratify others. Our people and Government hope to significantly improve our standard of living, thus guaranteeing progress and welfare across society.

On behalf of the Republic of Equatorial Guinea I would like to express the hope that this 85th Session of the International Labour Conference adopts a solemn declaration as a means of recapitulating the essential principles and setting up periodic review mechanisms of social progress throughout the world. We wish to express our gratitude for the ILO's work on behalf of social justice. We hope that the spirit of solidarity between employers and workers will thrive in all member States of this Organization.

Original Spanish: Mr. ARRATE MAC NIVEN *(Minister of Labour and Social Welfare, Chile)* — I would like to congratulate the President on behalf of the Government of Chile on her election and for the wisdom with which she is presiding over our meeting. My country wishes the ILO and its member States every success in the Organization's future work.

Today's world, at the close of the twentieth century, is going through a process of change that affects every facet of the lives of individuals and nations. There are far greater uncertainties about the future in our globalized world. Old truths have crumbled and people feel less sure about what they are and, more importantly, about what they will be. Scientific and technological changes, the globalization of the economy, the expansion of trade and the revolution in communications have opened up new horizons and more possibilities for progress than existed in the past.

We have to acknowledge that in a world such as ours, that is subject to the onslaught of unforeseen changes, constructive efforts must be made to reach a new equilibrium that will temper the uncertainty without compromising the new opportunities.

Very few institutions, if any are as well placed as the International Labour Organization to contribute to this task of striking a new social balance that will allow for more material and spiritual welfare without further suffering and anguish for our peoples and for our citizens. The ILO, with its unique history and exceptional experience, offers a vigorous and wide-ranging system of standards, as well as the machinery needed to supervise and, if necessary, request observance of these standards. More specifically, the ILO has its own special feature. Unlike any other international organization, it can bring together that wealth of social reality that is tripartism, by virtue of which government authorities, employers and trade unionists can sit around the same table with the aim of reaching agreements.

It is our shared responsibility to forge from this institutional heritage, through concrete proposals and not merely in words a force that can actually contribute to the world economy's further development on an equitable basis for national economies, while at the same time ensuring greater social progress for all and protecting the lot of the most disadvantaged.

To achieve this objective, which I am sure, above and beyond legitimate differences of opinion, is shared by Government, Employer and Worker representatives attending this Conference, I believe that it is vitally urgent to agree on stable, long-term criteria in at least three particular areas.

First, the main thrust of the future should focus on fundamental labour rights. This means pooling our efforts to guarantee that every worker wishing to do so can join a union without hindrance, discrimination or persecution; that any workers wishing to organize in order to collectively bargain over wages and working conditions may do so through effective means; that there is no form of forced labour in the world; that we should progressively eradicate child labour; and that we should effectively condemn in words and in practice every illegitimate form of discrimination at the workplace.

As the Director-General stated in his Report, this will require new forms of inspection and supervision.

Without these, our Organization will not have the necessary credibility and effectiveness, and eventually other international bodies — be they multilateral or regional — will probably attempt, however poorly, to replace the ILO in performing its natural role.

As far as Chile is concerned, it is quite clear that these new forms of inspection and supervision should fully guarantee that the benefits of free trade for the relatively less-developed countries cannot be cancelled out by arbitrary decisions taken by other countries, especially if there is a protectionist intention underlying them. My country rejects all forms of protectionism that are rooted in narrow interests, that deny the poorest countries the chances of bettering their lot. But we also reject that other form of protectionism which protects privileges and blatant injustices, and which prevents the benefits of trade and growth from being distributed equitably, and from reaching workers and citizens at the bottom of society's ladder.

On this very important question our Organization must take centre stage in forging a tripartite consensus.

Second, I believe the proposal to revise the existing Conventions is consistent with my first point, and warrants support, so as to ensure that in cases where they can be declared obsolete, and through procedures such as the one proposed by the Director-General, these Conventions are properly revised. Our main concern must be to provide for greater transparency for all the international criteria that are garnered together within the Conventions.

Third and finally, I believe that it is vital for the performance of the tasks that I have spelt out that the ILO have adequate and stable funding, that it is not subject to the uncertainties that have bedevilled us over the last few years. At the same time, to do this there must be a major review and reform of our existing institutional structure that goes beyond the positive efforts made these past few years.

In the future, our Organization must be more focused on these new international concerns, with clearer and more precise objectives. Its strength will not depend on its size, its infrastructure or the number of people that work for it, but rather on its universal scope, on the high professional and technical quality of its staff, on the efficiency with which it is run, on its follow-up and evaluation machinery and its independence of thought and judgement.

The ILO cannot shrink away from these challenges, however difficult they may be. I hope that together we will have the courage to face up to them, with the combination of prudence and boldness that they demand.

(The Conference adjourned at 11 a.m.)

Eleventh (special) **sitting**

Friday, 13 June 1997, 11 a.m.

President: Ms. Keltošová

ADDRESS BY H.M. KING HUSSEIN IBN TALAL OF THE HASHEMITE KINGDOM OF JORDAN

The PRESIDENT — Today our Conference is honoured by the visit of His Majesty King Hussein Ibn Talal of the Hashemite Kingdom of Jordan and Her Majesty Queen Nour.

I have great pleasure in declaring open this special sitting of the 85th Session of the International Labour Conference, and I call on the Secretary-General of the Conference to introduce His Majesty King Hussein of Jordan to the Conference.

Original French: The SECRETARY-GENERAL — It is a great honour for me to introduce His Majesty King Hussein Ibn Talal of the Hashemite Kingdom of Jordan to the Conference.

Your Majesty, on behalf of the entire international tripartite community gathered here may I extend to you, as well as to Her Majesty Queen Nour, a cordial welcome to the 85th Session of the International Labour Conference.

In you, your Majesty, the world sees a figure striving for a just, comprehensive and lasting peace. You are one of those who engage in dispassionate and constructive dialogue, favouring mutual understanding and a rapprochement between peoples. Your unswerving, courageous and determined efforts at every stage of the Middle East peace process constitute undeniable proof of this, and they merit the gratitude of the ILO and of all who share its convictions.

Your presence here this morning is a token of your attachment to the universal ideals and values nurtured by the International Labour Organization over 79 years, in other words the pursuit of peace through social justice.

It is our desire to defend these values in the globalizing economy that we are now facing, with all the hopes and uncertainties that it arouses. This implies our engagement in the struggle against poverty and for the promotion of employment, the protection of workers' fundamental rights, and the fostering of democracy.

The ILO shares these objectives with a number of countries, including the Kingdom of Jordan, which has already ratified five fundamental Conventions and which maintains close ties with our Organization through a successful partnership policy and a satisfactory cooperation programme.

In Jordan these ratifications have been implemented through a clearly expressed political will and concrete action designed to reduce social inequality, to focus on the promotion of employment for the largest possible number and to conduct a constructive dialogue with the social partners.

The new labour legislation adopted by the Kingdom of Jordan puts into tangible form the universal principles of equality and justice which constitute the foundations of our Organization. The priority given to equality of opportunity and treatment between men and women in employment, and the fostering of collective bargaining and the settlement of disputes by legal means, also deserve mention.

Within its terms of reference the ILO will, together with those who share its ideals, pursue its endeavours to promote peace wherever it is called upon to act. It is doing this in the Middle East and in other regions of the world, for the hopes it nurtures for social peace are commensurate with the legitimate expectations of the entire international community.

Your Majesty, we are delighted that you have accepted our invitation to address this assembly and we look forward to hearing your message.

The PRESIDENT — It is now my great privilege to invite His Majesty to address the 85th Session of the International Labour Conference.

Original Arabic: HIS MAJESTY KING HUSSEIN IBN TALAL OF THE HASHEMITE KINGDOM OF JORDAN — In the Name of God, the Compassionate, the Merciful! Peace be upon you, and God's mercy and His blessings.

It is a pleasure and an honour for me to be among you here today on the occasion of the 85th International Labour Conference, in response to the kind invitation of my dear friend, His Excellency Mr. Michel Hansenne, the Director-General of the ILO, who has my deep respect and appreciation for his hard work, renowned experience and wisdom in carrying out his global responsibilities.

It is also my pleasure to congratulate Her Excellency Mrs. Olga Keltošová on her election as President of this Conference, and I wish her every success in this session of the Conference. Greetings also to their excellencies, the heads and members of all participating delegations, at this unique gathering of the three pillars of production: government, employers and workers. This tripartite structure, is indeed, the essence of the strength of the ILO and its continuity in an ever-changing world.

During the past few decades we in Jordan have made great strides at all levels of life, whether political, economic, social or legislative. Our infrastructure forms a solid base for our development effort. We have always taken time to re-examine our policies and undertake the necessary steps to reform in accordance with the needs of the day, and in response to even greater strides in technological innovation and to the changing regional and international environment. Our economic restructuring programme is a manifestation of our economic adaptability and of our willingness to achieve the highest possible degree of self-reliance within a well- balanced, flexible and competitive environment to ensure a smooth transition to higher levels of economic activity.

Understanding, full comprehensive and gentle democratic dialogue were the hallmarks of creating a consensus amongst us. By ensuring that all interests are catered for, we have managed to lessen the impact of inconsistencies and imbalances. This approach is the only alternative to confrontation and strife. We have always recognized that the individual is Jordan's first real resource which has been the compensatory factor for the deficiency of our natural resources. Our policies were geared towards improving the standard of living of the average Jordanian and to provide the necessary social welfare.

The Jordanian Constitution laid down, over 45 years ago, the noble values of work and protected the rights of workers in unambiguous terms of clarity and justice. Since the promulgation of our Constitution and our accession to the ILO back in 1956, we were always inspired, and continue to be, by the principles of the ILO in our legislation in employment, vocational and technical training, as well as social security.

My Government has ratified six of the seven main Conventions concerning basic human rights. The most recent Convention ratified by the Cabinet was Convention No. 138 concerning minimum age. This Convention is undergoing the necessary constitutional procedure for its final adoption and application thereafter. As to Convention No. 87 concerning freedom of association and the protection of the right to organize, existing Jordanian legislation already stipulates the protection of freedom and labour rights, as well as the right to organize in professional and labour associations. That Convention shall certainly have my Government's consideration and attention.

I take this opportunity to emphasize the excellent relations Jordan enjoys with the ILO and its various components, and I look forward to even greater levels of cooperation in the future.

It is not a coincidence that the entire world in 1994 joined this Organization in the celebration of two important events: the 75th anniversary of the establishment of the ILO and the 50th anniversary of the famous Philadelphia Declaration. It is also not a coincidence that the ILO received the Nobel Peace Prize in 1969 on the occasion of its 50th anniversary. This took place in recognition, and in appreciation, of the importance of the role of this Organization as a unique international organization with its tripartite composition, and historical roots based on a philosophy centred on the individual, wherever he or she may be, and in total disregard of origin, colour, nationality or belief, always emphasizing world peace and achieving justice as well as the social, spiritual and material welfare of mankind. Therefore, such an institution deserves all respect and appreciation and merits our entire support, be it nationally, regionally or internationally, to go together towards a bright new future.

Our world witnesses a new era today — a real revolution in all forms, that of science and globalization. It is a revolution that has established new dawns of excellence and innovation, adding new dimensions to industry, production and communications and fresh aspects to knowledge, which has transformed the world into a global village — removing borders, bringing down walls, dismantling psychological as well as material barriers among peoples and nations, and thus ending the era of isolation and the remnants of the cold war. It has imposed on us all and on the world community new realities on the ground, with fresh challenges and problems of a nature never seen before by mankind.

Such a revolution comes at a time when the world still suffers from so many worrying social and labour problems: increasing poverty, rising unemployment, weakening means of production, the ever-increasing requirements of vocational and technological training, worsening conditions of employment, issues of labour immigration, employment of women, children and youths, as well as those with special needs, and numerous other issues at the workplace. Additionally, those problems prevailing in developing and the less developed countries in particular — such as chronic slow growth, scarce natural resources, low financial and investment capabilities, their ever-increasing indebtedness, as well as the dangers of isolationism, inequality and, finally, their economic and political marginalization — all affect their adjustment and integration into the world economy.

In view of such changes, it has become clear that nations as well as international organizations have embarked on an unfair competition, leading to a situation where economic might wins over social matters, thus adversely affecting the gains of development and social welfare that were achieved by millions of workers in the world through hard work over so many years. In this respect I would like to emphasize that democratic dialogue among the concerned parties is the only course whereby conflict can give way to harmony leading to a just, balanced and fair solution to all problems.

It is a good omen that for a number of years the entire United Nations and all of its specialized agencies (of which the ILO is one) now not only take a more pragmatic and objective look at world affairs but have also acquired a clarity of vision and a sense of responsibility that are deeply heightened. We are very optimistic that the ILO is closely following up the positive outcome of the World Summit for Social Development held in March 1995. The Summit's Copenhagen Declaration should eventually pave the way to the emergence of a fair, open and efficient world order which will balance the costs and benefits of globalization among all the nations of the world.

By its diligent and active participation in peacemaking, Jordan translated its long held and total belief in a just, comprehensive and durable peace in the Middle East by signing a peace treaty with Israel in 1994. We have totally fulfilled the conditions, obligations and requirements of that treaty, for we have always believed that true peace requires that all concerned parties honour fully their signed agreements in letter and spirit. What is required now, for the continuation of the peace process, is a complete cessation of disconcerting policies and practices that contradict international legitimacy, such as the policies of settlement, land confiscation (especially in Arab Jerusalem) and demographic manipulation which, in their totality as well as in their individual aspects, breach obligations entered into in good faith to discuss all these areas in the current and in the final-status negotiations; for such policies and practices would endanger hopes and detract from the aim of achieving a lasting, just and comprehensive peace. Such policies would also have an adverse effect on endeavours to revive the other peace tracks still lagging behind.

For our part, we shall continue to work for the achievement of such a peace in which we believe. A peace that is just, comprehensive and durable is one that will provide the future generations of the children of Abraham with the opportunities they have always longed for, one in which Jerusalem will be the symbol of harmonious consistence among the followers of the three monotheistic religions, and of piety in worshipping God and God alone.

Under such a peace, Jerusalem will also represent the achievement of an Arab-Israeli peace, and more particularly a Palestinian-Israeli peace in an open city constituting in its eastern and western parts a capital of both Palestine and Israel, or in any such manner that the Palestinian and Israeli parties may — within the parameters of the rules of international law — agree upon in negotiating a final-status settlement.

Let me conclude by saying that we recognize the ILO as the beacon of light which leads the world's future generations — who long for security and real economic and social stability — towards a new dawn of just, righteous and equitable peace.

I wish you every success in your deliberations.

May God's peace and His blessings be upon you.

The PRESIDENT — It is a great pleasure for me to express to your Majesty on behalf of all the participants of this Conference our deep gratitude for the honour you have bestowed upon us by your presence and your powerful address.

Your Majesty, while listening to you, I understood better than ever why your unique leadership is respected and recognized all over the world. You are known to be a ruler of wisdom and courage who dares to face complex and difficult situations with confidence. The most well-known example is, of course, your engagement in promoting peace, not only in the Middle East but also in other regions. Convinced that the advancement and prosperity of the region necessitates harmonious relations between all of its inhabitants, you called for dialogue and new beginnings. While advocating the resolution of conflicts by diplomatic means rather than the use of force, you never forgot that lasting peace could only be built on justice, and continue to fight for the rights of those who suffered as a result of conflicts.

Much courage and wisdom was required also for the transformation of the Hashemite Kingdom of Jordan from a tribal and nomadic society to a modern State. We admire your efforts to promote the economic and social development of your country, in spite of set-backs caused by nearby conflict situations and the resulting influx of refugees. Your task was not, and is not, an easy one, yet while modernizing Jordan's society and economy you succeeded in safeguarding your Kingdom's rich cultural heritage as well as its ethnic and religious plurality.

The support you give to the principles of human rights and your appreciation of the importance of tripartism are observed with particular satisfaction by this distinguished assembly. The effective role of the social partners in the socio-economic development of your Kingdom has already produced visible results. These developments would not have been possible without your personal engagement in promoting consultation and cooperation between the social partners.

Your Majesty, allow me to make special mention of your personal engagement in promoting the participation of women in your country's economic and social development. We understand that the prominent role played in this respect by Her Majesty Queen Nour has made an inestimable contribution to the advancement of Jordan's women. In my capacity as Minister of Labour, Social Affairs and the Family, I am very much aware of the importance of women's contribution to social welfare and social progress. I am convinced that our global community can only respond to the challenges of our times if it makes use of all of its human resources. It gives me great satisfaction to know that world leaders like Your Majesties are in the forefront of advancing the status of women through words and deeds.

Your Majesty's appreciation of the ILO's worldwide efforts to combat child labour is a great source of joy for us. However, it gives us even more comfort to know that, while not facing the problem of child labour as it exists in many other countries, you decided to take preventive measures and established a foundation to this end. This should serve as an example to all of us who are eager to ensure the safety, health and development of our most precious resource, our children.

Your Majesty, accept once again our deepest gratitude for honouring our Conference with your presence and for enabling us to listen to the inspiring words of a true statesman.

May your great international prestige and the wisdom and courage that have always guided your actions be a source of renewal in the search for peace in your region.

(The Conference adjourned at 11.30 a.m.)

Twelfth sitting

Friday, 13 June 1997, 11.45 a.m.

President: Ms. Sasso Mazzufferi

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: The PRESIDENT (Ms. SASSO MAZZUFFERI) — We now resume the discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Original Spanish: Mr. CORRALES LEAL *(Government delegate, Venezuela)* — May I, on behalf of the Venezuelan delegation, congratulate the President on her election as President of this session of the International Labour Conference.

Both States and the multilateral system must be proactive in responding to the changes which are observed in the worldwide economy. They must respond in ways which will help them adjust their own institutions and structures towards greater growth, but also ways which encourage the benefits of this growth and a better, more equitable distribution of the wealth thus generated.

The clearest signs of these economic changes can be seen in the internationalization of decisions on relocalization, investment and technology, and not merely in the increase in international trade. This results in worldwide adjustments and a new logic in determining how to gain competitive advantages and how to carry out added value processes. Obviously the new forms of production and competition in a globalized market play a decisive role in determining models for generating employment, for investing economic surpluses and distributing the benefits of growth among the different societies in the world, and among the different social strata within each country.

How should the multilateral system deal with the undeniable need for a body of standards which not only fosters trade and growth but also, and in particular, access to the benefits which result from them? How can it solve the equally obvious need for these standards to be effective in practice and not merely formal; for them to be enforceable and assessable?

In the field of trade, the WTO is doing its part. Virtually all the countries of the world are involved, through that organization, in establishing new standards and structures to benefit all, while at the same time defending individual interests. The economic interests of any State which considers that it has been adversely affected by the trade behaviour of others must be settled in the WTO, and not elsewhere, in the light of the appropriate consideration of subsidies, dumping or other practices which might be considered as unfair.

The ILO, for its part, is responsible in its specific field — labour — for renewing and making ever more effective its own instruments in order to deal with these same economic changes, to foster social progress and a better distribution of the benefits of growth. Venezuela welcomes the Report of the Director-General which opens the way for a renewal of the Organization — a renewal which obviously cannot wait. We share with the Director-General the desire to accelerate the revitalization process, by effectively strengthening the application of the fundamental labour standards throughout the world, and by bolstering the Organization's ability to promote standards and its capacity to assess progress in the application thereof.

In order to carry out this renewal, we do not need to reinvent the ILO's field of activity. It is already clearly defined in its mandate. We must instead give greater strength and dynamism to the machinery which is legitimately available to the Organization. To extend the responsibility of the Organization to take up matters or manage instruments outside its remit is to detract from its strength, from its ability to negotiate, and from its credibility in its own field of competence.

The ILO cannot fail to consider the overall social impact of globalization, which is a fact of life which it can address. But it must not be used as a forum or a tool to promote the trade strategies of certain countries. These may try to renew protectionist barriers under the pretext of social progress for workers in countries where proper application of the fundamental labour standards is lacking.

It is not by applying trade barriers to the exports of the developing countries that we can promote progress or improve levels of employment or wages in these societies. We must therefore reject the use of any means of trade restriction as a tool for the implementation of basic labour standards. These rules must not be used to justify discrimination or trade protectionism, which would have the same effect.

In this framework, we should like to express our concern and disagreement with the proposals for a social label, which would be a unilateral trade barrier applied in the interest of a certain group of developed countries. The acceptance of this measure would legitimize the use of labour standards for the purposes of trade protectionism.

However, just as it is not acceptable to use labour standards for protectionist ends, we cannot deny the need for specific and visible reforms in certain countries in the labour field, nor can we overlook the urgent need to strengthen the weak machinery currently available to the ILO for assessment and monitoring of compliance with the fundamental standards.

In the light of these thoughts, Venezuela recognizes the importance and appropriateness of much of the thinking in the Director-General's Report. There is indeed a need to renew the standard-setting function of the ILO, to adapt and strengthen its means of action in today's changing world, and to safeguard the values which have stood behind its work since its creation, particularly the affirmation of dignity in and through work, and the search for social justice.

In our opinion, strengthening the ILO should include three immediate lines of action. Firstly, the selection and review of those Conventions which may be considered as fundamental to labour protection, and the drafting of a declaration on this matter. In the same vein, we welcome the amendment to article 19 of the ILO's Constitution authorizing the Conference to abrogate Conventions which are considered to be obsolete. Secondly, the definition of an effective strategy to promote the ratification of the appropriate international Conventions by those States which have not yet acceded to them, and thirdly, the study of specific follow-up and supervisory machinery for the application of standards, and of recommendations to be made by the Organization with due respect for the sovereignty of each State, as this is a fundamental principle of international law.

As Venezuela is attuned with the changes taking place in the worldwide economy, our country has carried out wide-ranging reforms which open the way for sustainable growth and an overall modernization of its economic apparatus, while at the same time promoting greater participation of the social partners in decisions relating to reform. These reforms also strengthen stability in employment levels and increase workers' social benefits. For example, a tripartite agreement on comprehensive social security was signed on 17 March 1997. It confirms the importance attached to social consultation and consensus as the appropriate means to be used in updating labour legislation.

As a consequence of this agreement, we are now submitting to the National Congress four draft bills which will fulfil the following objectives: Reform of the labour code (which was adopted this week); the draft framework law on comprehensive social security; the draft law on pension and retirement funds; and the draft law on forced labour and vocational training.

Institutionally, these agreements and the legislation to which they have given rise are going hand in hand with modernization and extensive reform in the Ministry of Labour. In conclusion, we hope that the deliberations and conclusions arrived at during this Conference will lead to a strengthening of the renewal of the ILO, and contribute to better compliance with the fundamental labour standards. We are committed to the values and objectives of the Organization, and reiterate our will to actively participate in strengthening it.

Mr. BEDA *(Minister of Manpower, Sudan)* — Madam President, on behalf of the Sudanese delegation and on my own behalf, allow me to join the others in congratulating you on your election as President of the 85th Session of the International Labour Conference. We are confident that through your wisdom and able leadership this session will reach fruitful conclusions.

At the outset, I commend the Director-General on his inspiring Report on ILO standard setting and globalization. Against the background of the wider debate on the issue at the Governing Body level since 1994 and at the Conference level during the previous session, we would like to emphasize some of the salient elements that are closely related to the attainment of social progress in the developing countries.

First, the liberalization of trade, though important for achieving greater balance in trade for the benefit of developing countries after the protectionist measures from which they have suffered, cannot be favourable to these countries unless it is linked to the removal of other barriers to allow for the transfer of capital and technology to the developing countries. If this were the case, there would be the hope of benefitting from sustainable economic growth and achieving social progress, even if it occurs at a slower pace than that expressed by several ministers of trade at the Singapore Conference.

Second, commitment to the values of the ILO in respect of workers' rights, as embodied in the Constitution of the ILO and the Declaration of Philadelphia, cannot be overemphasized as manifested by these countries in all international and regional fora. In this connection, the developing countries are firm about using their comparative advantages to be competitive in the world markets, while adhering to and observing workers' basic rights.

Third, the respect for the implementation of workers' basic rights should in no way be used as imposed sanctions conducive to a new form of trade protectionism. For the developing countries, an in-depth and thorough study of the difficulties encountered in both ratifying and implementing these Conventions should be supported by the ILO through its technical cooperation activities. It is hoped that multidisciplinary teams, covering most of the constituents, would play a positive role in this respect.

Fourth, for the developing countries, we see that respect of workers' rights should not be isolated from overall social development based on economic growth, particularly as far as poverty alleviation, employment creation and social justice are concerned. The promotion of policies, taking into consideration the commitments of the Copenhagen Social Summit and the Beijing Declaration and Platform for Action, is a matter of paramount importance to be addressed by the ILO through technical cooperation in the context of the new programme and budget for the years 1998-99.

Fifth, in the prevailing political environment following the end of the cold war and the bipolar world, worries are growing in the developing countries that international trade will not occur within a framework of neutrality due to the use of the double standard approach to isolate specific countries. These unfair practices will surely prevent such countries from enjoying the fruits of globalization and the attainment of social progress.

In the light of the preceding observations, we would like to comment on the ideas submitted by the Director-General as follows:

It is a fact that in all the international and regional fora the member States of the ILO strongly express their commitment to the core Conventions of the ILO on human rights. My country, the Sudan, has ratified most of these Conventions and we are also studying and considering the possibility of ratification of the others in close consultation with the social partners. We would just like to add here that the existing constitutional institutions should be fully utilized to reach that end. This type of practice should be encouraged within the existing constitutional institutions. Any declaration on core labour standards extending obligations to those who are not party to the ILO Conventions would contravene the principle of voluntary adherence by States and would create problems that prevent members States from ratifying.

On the idea of social labelling, we have doubts about the results in view of the dangers enumerated by the Director-General himself and moreover due to the fact that labour standards would be legitimately used to promote trade protectionism.

As to the question of more targeted standards in order to achieve greater impact, the changing world needs the ILO Members to review existing labour standards in order to amend or adapt them. In this respect, we strongly support the amendments of the Constitution of the ILO placed on the agenda of the Conference and appreciate the input of the Working Party of the Governing Body regarding the Revision of Standards.

We share the view that the supervisory system needs to be evaluated to be more fair in the selection and treatment of cases. The system should not be open to use the double standard approach that serves political interests.

In our view, the ongoing debate should continue by gathering all the ideas expressed at the Conference and compiling them for in-depth discussion by the Governing Body. In this way, the Conference will be in a better position to reach appropriate conclusions on the issue.

Having said that, we would like briefly to shed light on some recent developments on social progress in the Sudan.

To put an end to the protracted civil conflict in the southern part of the Sudan that destroyed the social infrastructure and caused misery to the population through refuge and displacement, and even hampered economic and social development in the whole country for many years, a peace agreement has been reached between the Government and the Democratic National Salvation Front which comprises many of the warring factions. The agreement guarantees basic human rights and fundamental freedoms, such as the right to equal treatment, irrespective of gender, race, colour, religion or origin; the right to freedom of thought and conscience; freedom of association and assembly; freedom of movement; freedom of the press; immunity against arbitrary arrest; detention and torture; as well as freedom of religious worship and preaching. The agreement resolved all the issues of the conflict through political power sharing, equitable distribution of wealth and special provision for rehabilitation and reconstruction within a four-year transitional period. After that a referendum is to be conducted for the southern Sudanese to determine their self-determination, whether to remain in one Sudan, or to separate. At this juncture we call upon the international community to support these efforts, particularly the efforts of rehabilitation and reconstruction. And the International Labour Organization is also invited to play a leading role, through technical assistance, to support projects aimed at the alleviation of poverty and the generation of employment.

At the end of last month the National Assembly passed a bill for a new labour law to introduce incremental benefits for workers in respect of sick leave, after-service benefits, overtime compensation and, moreover, to open new avenues for workers' participation in decision making, and for women's rights.

This year witnessed new workers' elections on all structural levels up to the National Workers' Federation. These elections were freely and democratically conducted according to the basic regulations of workers' federations, and under the supervision of independent committees of the judiciary.

The social insurance system has been extended to cover establishments employing five workers instead of ten to give more protection to workers in small-scale enterprises.

In conclusion, we would like to call on the Director-General to continue his mission to Palestine and the other occupied territories to monitor the situation of Arab workers in view of the difficulties they are encountering.

Original Spanish: Mr. CARVAJAL BUSTAMANTE *(Employers' delegate, Mexico)* — Madam President, we are quite sure that your guidance of the work of this 85th Session of the International Labour Conference will be successful, and we congratulate you on that.

We wish to pay particular attention to the immense benefit derived from the various ILO Conventions, the fruit of the joint endeavours of the social partners, and in particular I wish to refer to those Conventions that enshrine fundamental rights.

These basic principles have given force and coherence to the relations between workers and employers, and in turn they have facilitated the coordination and monitoring work of government authorities. The standard-setting activities of the Organization which have been carried out over more than 75 years of the existence of the Organization, have always been based on the prevailing conditions in the world at various stages: those of the industrial revolution, of the postwar period, of the cold war, of the East-West confrontation, and its ideological divergencies have covered countless aspects of the world of work. And they have even impinged upon questions that, in our view, exceed the initial mandate of the Organization.

If we make a quick analysis of the contents of the Conventions that are born of this Conference we will see in some repetition and excess, and in others obsolescence and unenforcebility.

The employers have been subject to excessive standard-setting activities at the national level and in accordance with national conditions and practices. The effects of these have been to discourage investment, to bloat public administrations without leading to better results on the ground in terms of benefits for the workers and increased productivity at work. Too many rules do not spur efficiency.

In other spheres of international relations, and I would quote the case of the OECD, we have been able to appreciate an organization that has provided machinery that has served to stimulate development through deregulation and making standards more flexible. We concur with this outlook and this is the way, indeed, that things are going throughout the world.

If we think about the future of ILO standard-setting activities, we wonder is the inertia of the early days to be continued? Will these activities be responsive to the prevailing conditions in the world? Will creating more and more standards provide a response to the fundamental problems of job creation throughout the world? Can you combat poverty by decree?

We believe that we should channel efforts and resources — which are ever more scarce and thus necessarily more demanding with regard to results — into relevant studies and activities that will be designed to protect existing jobs and to create new ones that will, in turn, lead to greater efficiency, consistent productivity, which is in our view a basic element for sustainable development.

In Mexico we have had to face up to a recent experience in combating the effects of a very serious crisis which has had repercussions beyond our frontiers. With discipline, and taking our nation's interests clearly to heart, we employers, workers and government representatives have put together our efforts to hammer out some very difficult and painful solutions that will lead us to a future of more hope. The consultations, commitments and dialogue between the social partners have guided our steps towards controlling inflation and restoring the health of the economy.

As part of these endeavours, we are committed to deregulation in our search for higher efficiency and better results. A significant example of this is to be found in the compendium of measures in favour of deregulation and administrative simplification taken by the Ministry of Labour and Social Welfare as part of the National Deregulation Committee, in which the employers participate. Furthermore, there is unswerving dialogue within the Alliance for Growth, that makes it possible for us to be permanently on the watch so that we may iron out any distortions in good time.

In regular contacts with the representatives of workers, we have set up what is called the New Labour Culture, which serves to define and ratify principles, to lay the foundations for relations between workers and employers, and to provide a set of mechanisms which, when implemented, lead to job creation.

The national commitment of employers and workers is translated into practice through the fulfilment of labour standards as a self-controlling mechanism which obviates the need for any other international machinery, including labelling. We feel, Director-General, that this noble body houses a wealth of options, possibilities and abilities. We believe that, when we are confronting serious challenges, that a major contribution to growth and development, employment generation combating poverty would be to undertake a prompt investigation and bring experts together, such as regional meetings of the social partners, to discuss the subject of investment oriented towards job creation in the framework of trade liberalization, since employment is the safest guarantee for human progress.

Original Arabic: Mr. SAHBANI *(Workers' delegate, Tunisia)* — Allow me, Madam President, as other speakers have, to express to you my warm congratulations on your election to preside over this important session in the history of our Organization. I wish you full success in you task. I thank Mr. Hansenne, the Director-General, for the Report he has submitted to the Conference. It is a Report rich in proposals bearing solutions to certain problems of the world of work at the beginning of the third millennium.

The questions raised in the Report before us are important, vital. We are all called upon to involve ourselves more to help strengthen the role of this Organization, a role that is based to a great extent on its standard-setting activities and on the set of core Conventions which represent the foundation for social justice, a fair distribution of the fruits of development and safeguarding workers' dignity.

As far as the dignity of the human person is concerned, the idea of "taking a break" from standard setting, called for by some, is a matter that we reject out of hand, as it represents a denial of workers' dignity.

Some are trying to use this period of transition that the world is witnessing as a result of globalization, to deny the values and common denominators, established patiently and at the price of many sacrifices over seven decades.

I believe that the Director-General's Report hits the nail on the head, as it emphasizes the threats that may affect the great human heritage that this Organization successfully represents through the Conventions and standards adopted since its establishment. It also helps by providing new visions which help bring us near to our goal, namely the achievement of social justice. We therefore wish to commend the Director-General who has underlined that the achievement of this goal depends on the existence of a clear political will.

Without being overly optimistic, we believe that this will has now begun to take shape through the unanimous international support for the International Labour Organization; this has shown itself more specifically through the decisions of the Copenhagen Social Summit as well as the Declaration of the Singapore Ministerial Conference of the World Trade Organization.

This unanimity calls on us to find new ways and means of working to achieve a better degree of effectiveness as well as more progress in the field of social development.

In this regard, the Organization can use the authority vested in it by the Constitution, to question governments as to the reasons for failure to ratify or to adapt their legislation in such a way that their laws and practices conform to the overall goals of this Organization. This is why we support the explicit reference in the Report to the need to ensure a binding commitment to a minimum of fundamental rights which must be established and that these must be respected by all member States.

As a trade union organization, we supported at the time the question of the social clause as a mechanism to liberate trade relations. Today we believe that the current developments in fact confirm the justice of our stand. This gives us all the more reason to adhere to the principles of the social clause, as a minimum that we cannot give up, because the Conventions carrying that clause represent the best expression of the dignity of the workforce. Alow me here to refer to the experience of my country, Tunisia. We have ratified the core Conventions. This has had a positive effect on our social relations and their stability on the one hand, and on economic development on the other. The legislative groundwork has allowed us to establish an environment that guarantees trade union rights, enables their practice and implementation, and provides for the success of contractual relationships between the social partners. Though this policy we have succeeded in improving the wages of all earners for nine consecutive years. We have also succeeded in improving social legislation and working conditions, as well as providing better social protection for the most vulnerable groups. We have thereby enhanced the principles of solidarity and social justice in our country.

The Director-General's report on the situation of Palestinians in the occupied Arab territories was brave and far-sighted. We would like to seize this opportunity to refuse the Israeli denial of respect for its commitment aimed at ensuring a just peace in the region. We call for a halt to new settlements, an end to the occupation of Arab territories, and for recognition of the rights of the Palestinian people to establish an independent State with its capital in Jerusalem.

Original Spanish: Mr. DUCREUX *(Government delegate, Panama)* — On behalf of my Government and of the Panamian delegation may I greet the Director-General of the ILO as well as all members of delegations to this 85th Session of the International Labour Conference. May I greet and congratulate the Minister of Labour of the Republic of Slovakia, Mrs. Olga Keltošová on her election as President of this session of the Conference.

On reading the Director-General's Report *The ILO, standard setting and globalization*, our first impression is that despite the hopes it raises and promises it makes the liberalization of international trade might well flounder if its beneficial effects are as slow in making themselves felt for workers or if it is associated with an increase in inequalities or precarious conditions. Furthermore, it indicates that economic progress resulting from the liberalization of trade should be accompanied by social progress.

As a developing country, we are pursuing a dynamic plan for social development allied to economic effectiveness, the prime concern of which is to put a stop to spiralling unemployment, which is a must to permit our country to walk the road of competition and economic effectiveness, thus reducing the costs of goods and services and attracting national and foreign investment, and thereby ensuring Panama's full participation in the world economy.

We believe that the progress of globalization should generate considerable benefits for the international community and we must therefore ask ourselves whether or not the distribution, quality and profits derived from globalization and foreign investment will benefit all equally.

"Poverty anywhere constitutes a danger to prosperity everywhere" states the Declaration of Philadelphia; this is an interdependent world which requires joint solidarity. It is necessary for the ILO to define the terms of reference as well as the scope of the social aspect of the process of globalization. We must not overlook the fact that worldwide economic growth is only the means — the social welfare of humanity is the real end.

The Director-General warns us of the need to strengthen the application of workers' fundamental rights within the framework of the liberalization of world trade and of the globalization of the economy and stresses the need to revise and update the body of standards, something which is a source of pride for the ILO. A constitutional amendment has therefore been proposed which would empower the Conference to abrogate those Conventions which are deemed obsolete. My country considers it necessary to ensure the strengthening of the universal principles which guide the life of the ILO as the most effective way of opposing the growing dangers arising from globalization in the absence of a social dimension and of ensuring a worldwide cooperation system which will protect all, with no national or social exclusions whatsoever.

On 7 January 1997, my Government, through the Cabinet Council, promulgated Decree Law No. 3 improving the procedure for the establishment of enterprises in export processing zones, as well as other measures. This Decree Law is part of our public policy programme to ensure integral development to stimulate both national as well as foreign investment. These EPZs or industrial parks, will concentrate on the export of medium and high technology goods and other services. The Government is prepared to guarantee the respect for the fundamental rights of workers embodied in the Conventions on freedom of association, collective bargaining, minimum wage, and in other labour legislation provisions.

Since 1 September 1994 the Government has been concerned by the fate of public sector workers, in particular those working for electricity, communications and other services where the previous Government had carried out arbitrary dismissals for political reasons without justification. Our special objective has been the payment of wages in arrears and the reinstatement of many of these workers. The ILO bears witness to this as the result of the sending of official documentation on these cases to the Governing Body.

My delegation would like to express its opinion on the latest complaint lodged by the Latin American Central of Workers against the Government for the dismissal of 94 air traffic controllers. The Government has supplied information giving legal justification for the dismissal of these workers who, owing to their position of strength, imperilled international air traffic over our territory, putting the lives of many at risk. The Government was thus obeying national legislation which, over and above the good of the individual or the group, ensures general welfare and safety. This is a principle embodied in our Constitution. I must point out that all of these dismissed officials were paid every cent of the moneys to which they were entitled.

In conclusion, since it came into power, the present Government of Panama has endeavoured to implement a new law on careers in government which will govern and bring into force the new provisions relating to all public servants. In this way we intend to provide a clear definition of the new status of public servants.

Mr. CHO *(Employers' delegate, Republic of Korea)* — On behalf of the Employers' delegation of the Republic of Korea I take great pleasure in extending our sincere congratulations to Madam Keltosová on her election as President of this session of the International Labour Conference.

Amidst the ongoing globalization of the world economy it is high time to earnestly discuss, on the basis of the Director-General's Report, how to lay the groundwork for progress and maintain momentum.

Globalization is a process through which goods and capital can freely circulate in an expanding market. Of course, there are two sides to every question, but I believe the Director-General's Report overemphasizes the negative impact by arguing that globalization inevitably implies a downward levelling of wages and that the increasingly global economy is accompanied by restrictions and inequalities which give rise to tensions and upheaval.

On the contrary, an invigorated global market will be a major source of opportunities. The generation of wealth and its fair distribution increase the purchasing power for products and services. Profits and savings are the sources of new investment for expansion. Workers' rights will also be promoted in accordance with economic development.

It is encouraging to note that the ILO's ratification campaign has obtained considerable success. The recent decision made by the Governing Body to request member States to submit reports on core Conventions at more frequent intervals can encourage the States which have not yet ratified them to do so. A declaration on the basic principles of core Conventions can be envisaged. Another mechanism for the supervision of the application of ratified or unratified Conventions could be discussed in the form of a report by the Director-General on social progress throughout the world. However, these measures should be undertaken within the context of the Constitution.

Korean employers oppose officially sponsored, endorsed or promoted voluntary labelling schemes which border on official boycotts, and which distort trade and violate the spirit, and possibly the letter itself, of the rules of an open trading system. The Report says that granting a label does not imply discrimination in trade against unlabelled products. But I believe it does. Furthermore, the Director-General's scenario is to provide for a system of carrying out on-the-spot international inspections. This would not be in the least voluntary. We need to make it clear that the ILO is not an organization for standardization like the ISO which is planning to introduce an eco-labelling system.

The Director-General's Report very rightly gives a serious warning about the attitudes of workers' and governments' benches in standard setting. Workers have been unremitting in their preference for the adoption of Conventions, despite their low level of ratification. Many governments are prepared to vote for a Convention without seriously envisaging pressing for its ratification. Because of these attitudes, employers are too often cornered into playing the role of a numerical minority opposition.

A government, by voting in favour of the adoption of a Convention, must undertake a moral commitment to bring about its ratification. In order to ward off blind voting, I propose to disclose a list of governments which have voted for the adoption of Conventions, but have not ratified them within a reasonable period. Alternatively, we could include a special question in the reporting forms on unratified Conventions, as to whether the responding governments have voted for or against adoption.

Times are changing in the worlds of business and work. We ourselves also have to change; at the very least we must not swim against the inexorable tide of transition. The ILO has traditionally regarded social policy as being totally separate from economic policy. A change in this mind-set is now necessary so that each of us can see a successful economic policy as being in the best interests of us all. An enterprise-centred, management-oriented attitude should be translated into international labour standards. A standard-setting mechanism should be adapted to today's worlds of business and work. This is the way in which the ILO's future standard setting should be directed.

Original Spanish: Mr. FUNES DE RIOJA *(Employers' adviser, Argentina)* — As representative of the President of the Argentine Industrial Union, Mr. Claudio Sebastiani, I would like to reaffirm the conviction of Argentine employers concerning the permanent need for a tripartite environment such as the International Labour Conference which constitutes humanity's world forum, the true motor of social dialogue.

Its usefulness is demonstrated at the national level by the Argentine employers' proposal to tailor the labour system to the needs of employment and competitiveness. Over the last few days, we have submitted our ideas to the Argentine Government about a constructive debate within the framework of a tripartite dialogue which I hope will be fruitful and lead to some flexible positions.

Nobody is unaware of problems in the world of work which ever more lead to problems throughout the whole of society. The stability of political societies and democracies is intimately linked to the ability of countries to generate the right conditions for sustainable development, and in that latter context, the problems of labour and employment are an inevitable priority.

Argentina has grappled with the phenomenal process of globalization with the same challenges and probably a great many question marks that are the result of decades of political instability, economic stagnation, hyper inflation and social debt. However, these conditionalities do not mean that we can put off the responses that community requires. We must indeed commit ourselves to multiply our endeavours. Everyone has a role to play in this, but also joint responsibilities. In the field of adapting standards to the era of globalization, the response at the national level should be to modernize the Argentine labour system, so as to adapt it to the new terms of competitiveness. It is not by chance, therefore, that the Director-General has taken initiatives at a different level, the international one, thus comparing it to the needs of today's world. We believe that it is very opportune that after defending values and promoting change, the Conference has put the question of standards on our agenda, in particular the promotion of fundamental rights of workers in the framework of international free trade and the globalization of the economy.

We do not believe in an overly protective labour system, nor in maintaining a welfare regime that is neither fiscally nor economically sustainable. But we do not believe either in the absence of standards or in pure competition that violates basic human rights. Social progress in the twenty-first century cannot be based on the abuse of rights or on systematic violation of fundamental rights. Rather, it must be based on the affirmation and respect, nationally and internationally, of these provisions.

The new vision of the world should be rooted in this premise, so that we can ensure social progress. When I talk about these premises, what I mean is the fundamental Conventions. Without this common denominator there can be no international social pact able to guarantee a universal community, whose *raison d'être* and ultimate objective is the welfare of men and women. This leads us to promote standards as the basic yardstick, but they must be enforceable and reasonable and tailored to our times and circumstances.

Therefore, as we have more than once argued, in this very room, against the proliferation of international Conventions, the number and scope of which has become unreasonable, and for which the number of ratifications furthermore has become ever lower, and those who did ratify did not often show the desire or the wherewithal to put them into practice. Now we are convinced that the ILO should root its work in the following parameters: first, worldwide promotion and supervision of compliance with the principles contained in the core Conventions; second, technical cooperation; and third, development of social dialogue. For the first of these functions, the existing constitutional machinery should be used, both for promotion and monitoring, and equal treatment should be offered to all countries, whether they have ratified the fundamental Conventions or not.

It is not a question of competitiveness, it is a necessity that arises from the very existence of an international community. Without observing these basic rules of the game in the international community, there can be no possible trading relations, because proper international relations will not be possible. In view of this, the control system should therefore draw solely on existing machinery, by perfecting the procedures so as to ensure that the approach is serious, impartial and effective.

Technical cooperation and promotion should be tailored to national circumstances, and multidisciplinary groups should continue the work they are doing in the field, leaving aside metropolitan and academic postures, in order to participate fully in the process of transformation.

None of this, of course, can be done without the third element, namely promoting social dialogue because workers, employers and governments should share their responsibility to bring about changes which they can call their own, that will make it possible to draw comparative advantages and transform their productive structures.

Social dialogue is to a pluralist democracy the same as competition is to a market economy. Therefore the blend of political democracy, private initiative and the market economics should lead to social progress.

This indeed is our national response in Argentina. There is no employment without growth, and the labour market should dynamically adapt its institutions to the needs of production and competitiveness. For this purpose, respect for the fundamental principles and for organizational flexibility in production and work are the new vision and the challenge that can be met.

(The sitting adjourned at 12.45 p.m.)

Thirteenth sitting

Friday, 13 June, 1997, 3 p.m.

Presidents: Mr. Khalil, Mr. Ramírez León

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original Arabic: The PRESIDENT (Mr. KHALIL) — We now resume our discussion on the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. ANTONIOU *(Workers' delegate, Cyprus)* — Although it is widely known, it should from time to time be repeated that the International Labour Organization has managed to survive through a variety of situations and has faced many problems which were due to different administrative or political systems and, sometimes, due to the very nature of international situations. It has gone through glory and power but it has also faced moments of disappointment and weakness. However, it has been sincerely accepted by the working people. The international space, which is its natural environment, has been its productive workshop.

On its sound foundations, this unique instrument of international social research goes on with considerable progress towards the realization of its targets which are reflected in the achievements of social justice and balance of social responsibilities among the nations. Albeit these two targets are not morally equal they are interrelated and eventually they are amalgamated into one, that is, the achievement of international social justice.

The workers' organizations in Cyprus consider that the international labour standards play an important role in the elaboration of national legislation aimed at the protection of the working population.

Since the independence of the Republic of Cyprus in 1960, the Cyprus workers' organizations have positively responded to the establishment of the tripartite mechanism. Under the tripartism process the Cyprus workers' organizations, acting as a partner in the elaboration of national labour laws, have never hesitated to participate actively in a spirit of mutual understanding and sincere cooperation with the other two partners.

Although the standard-setting function aims at the achievement of social justice, which constitutes the basis of international peace, the ILO standards are not an end in themselves. They are one of the means the ILO has at its disposal to attain its objectives.

In these times the phenomenon of economic interdependency which results from the trade in goods and services and capital flows, known as globalization, calls for a global and universal approach as far as standard-setting action is concerned. In this respect our objective should be to place social progress into a relationship with the economic progress expected from the liberalization of trade.

In order to bring about this development, there must be a universal recognition of certain basic rights which should allow the social partners to share equally the benefits resulting from globalization.

We fully agree with the statement of the Director-General of the ILO that the drop-off in the number of ratifications under the new conditions of globalization is a reality.

The States which take social and progressive labour measures run the risk of exposing themselves in a disadvantageous position against those States maintaining or implementing deficient social or labour legislation. These States, due to the reduced cost in the production of their goods, unfairly compete with those States which have legally regulated all aspects of the working environment. It is therefore a pressing a need to consolidate the social and labour legislations of all the States, through the process of concluding international labour Conventions, and at the same time introducing, as suggested, the award of an "overall social label" to countries complying with a set of fundamental principles and rights and agreeing to have their practices supervised by international inspection on the spot.

Furthermore, we would like to emphasize, that we should avoid hampering the ILO's standard-setting action. At the same time, we should also exploit the full potential of all the Recommendations considering them as instruments in their own rights and followed up on a regular basis.

We strongly favour the suggestion put forward regarding the establishment in the ILO of an overall evaluation mechanism for its standard-setting function.

We can assure the Director-General and all delegates present that Cyprus workers' organizations, in close collaboration with the other two social partners, will, on the one hand, continue to encourage and assist the Cyprus Government in the direction of increasing the number of ratified Conventions and, on the other hand, make the standard-setting function the magnetic pole attracting all the social partners in the framework of this unique Organization, whose objective is to improve the lot of all people in their work. Thus, the instruments, Conventions and Recommendations are the principal means which the ILO puts at our disposal for bringing this about.

Ms. PONCINI *(representative of the International Federation of University Women)* — On behalf of the International Federation of University Women and as

Convener of the Geneva Working Group on Women's Employment and Economic Development representing 22 international NGOs, we warmly congratulate the President for her election and express our satisfaction that the three highest positions of the Conference are held by women.

We congratulate the Director-General for his Report on *The ILO, standard setting and globalization.* We appreciate that equality of treatment and non-discrimination are highlighted in the core standards, notably Convention No. 100 on equal remuneration for equal work and Convention No. 111 on non-discrimination in employment and occupation. We agree that autonomous Recommendations should be given the same importance as Conventions. They should, as provided for by the Constitution, be followed up on a regular basis as stated by the Director-General on page 54 of his Report. It is desirable that such Recommendations address the issue of globalization, giving national and regional indicators of trends in social and labour progress and enabling more accurate corrective and preventive measures.

We particularly welcome Part I, section B of the Director-General's Report on the institutional setting to stimulate social progress. In effect, there are other ILO instruments important to women workers who are still, in the majority, working in the informal sector, which is largely unorganized and unprotected by legislation. We believe that minimum international standards are indispensable, such as the ones proposed on contract labour. Legislation is especially needed by women to guarantee their economic independence, their right to inheritance and land property, to credit and to protection from other discriminatory policies and cultural traditions.

We are also pleased to note under Part I, section B.2 that the Director-General recognizes the importance of consumers' organizations. Such organizations are in fact one of the primary proponents of environmentally friendly products. However, we believe that other intersectoral NGOs, particularly women's organizations, play an important role in mobilizing responsible action.

We believe the need for gender-disaggregated data in all ILO programmes and documents cannot be overstated. Indeed such gender-disaggregated statistics highlight the problems of women, but they also render transparent problems of other groups such as the unemployment of men in many parts of the world. As an example of this gap, we wish to call attention to Report V(1) on the general conditions to stimulate job creation in small and medium enterprises, in which the statistical tables do not contain gender-disaggregated data, nor is there reference to women as creators of employment. In this regard, according to the report on the ILO's Enterprise Forum held in 1996 (p. 43 of the proceedings), in the United States, for example, "Growth of women-owned firms continues to outpace overall business growth, and employment in women-owned firms employing 100 or more has expanded six times faster than the average for the whole economy". In fact, in ILO documents and international fora, women entrepreneurs are predicted as the new paradigm of the twenty-first century. The women's programme indicated in Report V(I) would have been enhanced by the inclusion of a gender perspective.

The significant increase in the participation of women in employment and economic development means that women should no longer be considered as a marginal group, but as half of the population with the same labour rights as men workers. Therefore, we call on all governments, employers and workers to involve women as full and equal partners in all policy formulation and decision-making processes in linking economic efficiency to social justice and equity, as recommended by the President of the World Bank, Mr. Wolfensohn, at the discussion meeting following his address.

Finally, women's human rights have indisputably been proclaimed throughout the UN system through the declarations and programmes of action of World Conferences, in particular the 1993 Vienna Conference on Human Rights and the 1995 Beijing Conference on Women. We wish to underscore that international labour standards are an integral part of human rights, and to encourage greater ILO coordination with other human rights' mechanisms in consistently including the differential impact of gender in all policies, programmes and practices.

Ms. MOXEY-INGRAHAM *(Minister of Labour, Immigration and Training, Bahamas)* — Permit me, first of all, on behalf of the delegation from the Commonwealth of the Bahamas, to extend warmest congratulations to the President, and to others, on their election to lead this 85th Session of the International Labour Conference. I know that I speak for many when I say that we have the highest expectations from all of you, and that you will preside with characteristic fairness, wisdom and equanimity.

The 85th Session of the Conference has focused on the Report of the Director-General *The ILO, standard setting and globalization.* As we have come to expect, it is a most incisive Report which should provide the structure and guidance to many of our governments and those in social partnership with us, as we grapple with the looming issue of entering into a new regime of international trading relationships in a competitive global environment. These new relationships will have an unalterable and profound effect on traditional labour and employment practices and indeed on the role and mission of the ILO as we launch into a new millennium.

It is within this context therefore, that I would wish to confine my brief remarks. Firstly, the creation of a global economy presents us with both opportunities and challenges. The opportunity of new sources of investment and new markets also brings with it the challenges of competition in an open and unprotected environment. This competition is well and good if it takes place on a level playing field. But in reality, there is unevenness in the circumstances. In particular, I refer to wages and other standard practices, known as "core standards". Among these standards are freedom of association, collective bargaining, fair employment practices, including minimum wages and standardized hours of work.

In the global marketplace, small economies, in particular small island economies, characterized by small labour forces, now find themselves competing with bigger economies for the same global investments and markets. By its very nature, however, larger economies have larger manpower resources and skills banks on which to draw and it is also recognized that they have larger reserves of labour which can be utilized at considerably less than acceptable minimum standards of pay and other benefits. While such situations might provide an attractive incentive in the mix of options which may attract potential investment, they are deleterious to the position of small economies such as the Bahamas.

Small developing economies find themselves lacking a wide range of investment opportunities and potential and have been placed in a position of reliance on one or two basic commodities or activities for their economic survival. The forces of global competition and the introduction of unbridled free market policies have already had an impact on employment and job creation in these kinds of societies.

Already we in countries with small economies have seen the effect of this as there have been loss of investment and jobs in sectors such as tourism, textiles, manufacturing and agriculture due, in large measure, to deflationary wages and benefits in the competing countries receiving these new investments.

It is imperative, therefore, that the issue of core standards and the core Conventions should be addressed in the context of trade liberalization. It is heartening to note that this issue was given recognition at Singapore as well as in the Copenhagen Declaration.

Within this context, we firmly subscribe to certain core standards such as minimum hours of work and basic pay standards negotiated, in most instances, between employer and trade unions. Application of these basic ILO principles should be internationally accepted and the ILO should fix its sights firmly on an achievable date and pragmatic measures whereby such targets might be achieved in concert with other relevant international organizations, most particularly at the World Trade Organization.

It flows from what I have just said that we fully endorse the strategy as outlined in the Director-General's Report calling on those who have not already done so to guarantee those universal rights by ratification of the relevant international labour standards. These principles, in turn, should be fully observed and become entrenched provisions in any and all multilateral trade agreements and treaties.

It is my honour to endorse and to give my unqualified support to the initiatives as set out in the Report of the Director-General.

Mr. SISOULITH *(Minister of Labour and Social Welfare, Lao People's Democratic Republic)* — On behalf of the Lao People's Democratic Republic's delegation, I would like to present my congratulations to the President on her election to chair this session of the Conference. I am convinced that with her profound experience and competence, this Conference will achieve its objectives.

The Director-General's Report contains important issues and accurate information on the long-term process of the ILO activities. Manifold thoughts were expressed to improve standards in view of solving problems and achieving social justice. I wish to present my warm congratulations for the ILO's efforts in this regard.

Nevertheless, the Director-General's Report mentioned the delay in ratifying Conventions and the non-implementation of many Conventions in member countries, but from a general standpoint, the governments in these countries have exerted efforts to promote employment for their population, and have applied measures based on their respective specific features to ensure simultaneous social stability, guarantee human rights and social justice with relentless economic growth.

However, delays in ratifying or in implementing Conventions have their reasons, namely the insufficient readiness due to internal situations and requirement for compliance with the socio-economic development features of each country and, on the other hand, customs, culture, including the history of each country or region, should not be overlooked.

It is well known that trade and labour are two different issues, each having its own specific problems. These two issues are closely interactive. This does not mean that they must be directly linked. Therefore, it is my opinion that solutions to such problems should not serve solely the interest of a group of persons or a group of countries. General provisions should take into account the specific features of various countries in each region and strive to balance the interest between groups of persons or groups of countries. Otherwise, differences would not be resolved, but aggravated.

I agree with many previous speakers that social progress and the elimination of poverty are the consequences of economic growth and not the direct result of the acceptance and implementation of labour standards. Therefore, I think that the ILO should concentrate its efforts to assist underdeveloped or developing countries in developing their human resources, in creating jobs and achieving economic growth.

The Government of the Lao People's Democratic Republic firmly upholds its development policy along the lines of a market economy, and is strongly convinced that the market economy will help the country to transcend backwardness through sustainable development. My Government has emphasized social development and progress by concentrating, from the start, on the development of human resources, and on job creation through the promotion of small and medium-sized enterprises. At the same time, my country has systematically promulgated the necessary laws, including the labour law and regulations on labour management, employment promotion and, with the help of ILO experts, the setting up of a new social security system.

Mr. EDSTRÖM *(Workers' delegate, Sweden)* — The Swedish trade unions have for decades strongly advocated the advancement of free trade as beneficial for all countries and all workers. But I have to say that the Director-General is definitely right in his perception that there are more and more people questioning the virtue of unconditional free movement of capital and free access to markets, as it is perceived to result in downward competition between countries and deregulation that is detrimental to working conditions and social justice and undermines human rights in working life. That is why we are advocating a social clause.

After the WTO Ministerial Conference in Singapore, the world's attention is now focused on the ILO. Will the ILO be given the mandate to strengthen its supervisory procedures in respect of fundamental standards of human rights? Taking into account what governments have stated at the UN World Summit for Social Development, at the WTO Ministerial Conference in Singapore and in this Organization, the answer would logically be affirmative. But I share the concern of the Director-General that some governments take contradictory positions in different international organizations, and that they act as if they are not bound by the obligations to which they have committed themselves when they became Members of the ILO. In this respect I would like to say that we are profoundly concerned by the statement of the Government of Colombia, on behalf of 113 States. These countries have, in our view, lost all credibility in their claimed support for the ILO and its fundamental human rights.

ILO human rights standards are universal in character. We cannot accept the non-observance of these standards with reference to regional circumstances, prevalent cultural traditions or non-interference. The failure of the ILO to strengthen its supervisory procedures will send a clear signal to workers of the world, which surely will cause reactions. In the long run, the sustainability of the agreed liberalization of trade and capital will be endangered.

The Director-General proposes a type of global social labelling which undoubtedly has some merits, and the proposal deserves further elaboration.

The Director-General also wants to re-establish the status of Recommendations. There is a simple explanation for our hesitation. In our experience, governments and employers' organizations at the national level are not ready to accept that an ILO Recommendation should be given enough attention to have a major influence on legislation. As long as parliaments are not required formally to give their assent to Recommendations, they will not be regarded nationally as important international obligations.

The Director-General reminds us that ILO standards comprise much more than fundamental human rights in working life. All of us have a duty to take measures needed to protect workers around the world from occupational hazards, inhumane working conditions and social injustice. Tripartism is the unique approach of the ILO, but only 81 member States have been able to ratify the ILO's Convention No. 144 on tripartite consultations. I have difficulty in understanding the obstacles to ratification. In my view the ILO Constitution should require member States to establish national ILO committees. Such committees are ideal bodies to discuss questions related to standard setting, including questionnaires, and would probably have a positive impact and limit the number of failures to submit new ILO instruments to parliament or failures to report to the ILO.

We often hear about the drop in ratifications of recent Conventions. But why has an analysis not been made of the reasons? Is it, for instance, due to the fact that some of them are revised instruments?

Finally, I want to say that the continued work in relation to standard setting and revision of standards must bear in mind the values and purposes of this Organization to protect the workers of the world.

Mr. MBOWENI *(Minister of Labour, South Africa)* — May I take this opportunity to congratulate the Director-General of the ILO for presenting us with a report which addresses the economic and social challenges confronting the world of work in this era of globalization.

We reaffirm our support for the role of the ILO in setting international standards, and we are heartened that others from our continent share our view. The OAU view has already been presented by the Honourable Paul Etienne, the Chairman of the OAU's Labour and Social Affairs Commission. The ratification of the ILO's core Conventions remains an important task for all States. This will contribute towards the uniform application of international standards.

The experiences of several countries around the world have demonstrated that sustainable world-class economic competitiveness and development should go hand in hand with acceptable labour standards, where workers' rights, social justice and human dignity are respected and valued by all.

It is crucial that the benefits of globalization are shared equitably within countries and between countries. Globalization must enhance the quality of life for humanity, particularly for the working people.

Globalization has become a reality. It has positive aspects which we ought to embrace, but it also has negative consequences. We must develop ways, within the ILO system and others, of effectively managing the negative consequences of globalization.

It would be short-sighted for us whose economies are struggling to meet the challenges of globalization to believe we can gain a competitive edge over other countries by undermining basic labour standards. Sooner, rather than later, the super-exploited will rise to demand fair treatment.

Equally, it would be short-sighted of the more developed countries to try to use high labour standards to perpetuate the inequalities between the North and South. Labour standards should not be used as a smokescreen for protectionism.

We should develop an international consensus on labour standards and this kind of consensus can only be achieved through ongoing dialogue which enables us to understand and appreciate the specific conditions in different countries. There should be respect for a programme of fundamental rights of workers. Formulating and monitoring such minimum labour standards should reinforce tripartite consultation and not undermine it.

The Director-General's proposals have particular relevance for us in South Africa. We have vigorous programmes to promote human rights and to eradicate discrimination in our workplaces and society. We are promoting freedom of association and organization to enhance collective bargaining and joint decision making. We are against forced labour, and children who are 15 years and younger must be at school and not at work. We promote the interests of women as workers and in society.

I conclude by appealing to everyone here to support the standard-setting mechanisms of the ILO and to begin to discuss how best we can address the negative consequences of globalization, while taking full advantage of the benefits which it permits.

Original Russian: Mr. LYAKH *(Minister of Labour, Belarus)* — I would like first of all to join the previous speakers in offering my congratulations to Ms. Olga Keltošová on her election to the high post of President of the 85th Session of the International Labour Conference and express my certainty that under her leadership the session will indeed achieve the aims it has set before it.

The Republic of Belarus considers the Report of the Director-General of the International Labour Office, Mr. Michel Hansenne, *The ILO, standard setting and globalization*, to be of the highest quality. It contains concrete measures which we believe are capable of truly making the ILO's standard-setting activities in the coming years more pertinent and more effective.

For its part, the Government of Belarus is prepared to demonstrate its political will in this sense.

Belarus, having ratified the seven fundamental ILO Conventions (Nos. 87, 98, 29, 105, 100, 111 and 138), supports the Director-General's objective which appears in the Report, of ensuring greater universality in the application of the fundamental labour standards.

We are in favour of a rapid adoption by the Conference of a declaration, in the framework of the ILO Constitution, defining the universally recognized fundamental rights which must be observed by all the Organization's member States, regardless of whether they have ratified the corresponding Conventions. We believe the declaration should provide for a mechanism to monitor observance of basic labour standards. This mechanism should be designed taking into account and making use already of the existing ILO supervisory machinery, and also taking into consideration all of the organizational and financial repercussions this will have.

We also believe that the ideas contained in the second part of the Report of the Director-General, and which are devoted to a better selection of subjects for future standard setting and the improvement of the form and content of standard-setting instruments, should be applied as soon as possible.

The effectiveness of the standard-setting activities of the ILO and the success of the measures proposed by the Director-General to improve that effectiveness will have a direct bearing on the way States fulfil their international obligations.

As far as Belarus is concerned, we must unfortunately acknowledge that our national social and labour legislation does not yet fully correspond to international labour standards. Some of its provisions may give rise to a double interpretation.

In the emerging tripartite system in the Republic of Belarus, relations are not yet all that smooth. Disputes do arise, and they are not always solved as they should be. But the Government of our Republic is doing — and will continue to do — all it can to prevent such disputes, and when they do arise, to settle them with due regard for the relevant international legal standards, while doing everything in its power to encourage social dialogue in our country.

At this point, the role and importance of social partnership is recognized in Belarus. Article 14 of the country's constitution provides that relations between government bodies, employer's associations and trade unions must be founded on the principles of social partnership. Social partnership has thus been made into a constitutional standard which must be reflected in practice.

The Republic of Belarus is interested in further developing cooperation with the ILO, and in receiving advisory and technical assistance in carrying out social reforms in our country. That sort of help is particularly necessary in order for us to improve the legislative basis governing social and labour relations, and in particular to assist us in adopting a new labour code. ILO assistance is required to further develop the employment system, to fight unemployment, to foster social dialogue, to settle labour disputes, and to instill in each of the social partners a spirit of civilized cooperation in seeking mutually acceptable compromises.

To conclude, permit me to say that I am certain that the ILO has the potential to meet the challenges of the times with dignity as globalization continues, and, as the Director-General said in his Report, to make a qualitative leap forward in its standard-setting work. The Republic of Belarus is prepared to help in any way possible.

Mr. KRISTINSSON *(Government delegate, Iceland)* — I should like to begin by congratulating the President and her Vice-Presidents on the honour bestowed on them being elected as officers of the 85th Session of the International Labour Conference. I am in full agreement with those who have spoken before me that they will handle this important job excellently, so playing their part in ensuring that this session will produce the best possible results.

I am giving this speech on behalf of Mr. Páll Pétursson, Iceland's Minister of Social Affairs, who is not able to attend this session of the International Labour Conference.

The Minister has asked me to extend his greetings to Mr. Michel Hansenne, the Director-General of the ILO and to this session.

The Director-Generals's Report to the 81st Session of the International Labour Conference, in 1994, bore the title *Defending values, promoting change. Social justice in a global economy: An ILO agenda.*

In his Report to the International Labour Conference, the Director-General warned of the danger of using the then current recession as an excuse to reduce social justice in the world. He emphasized that the globalization of the world's economies has caused new problems in the field of social affairs. That injustice within States, and between States, has increased due to nations' varying capacities for adjusting to, and meeting, increased competition on a world scale.

The conclusion of the 81st Session of the International Labour Conference was to give the Director-General and the Governing Body a mandate to study this matter more fully.

It may be surmised that the Report of the Director-General of the ILO to this session of the International Labour Conference is, in a way, the conclusion to the discussions within the ILO on the reaction to comprehensive trade agreements during the past few years, which have seen the abolition of custom duties and other barriers to trade. The Report contains numerous interesting proposals and comments that use as a frame of reference some words of caution contained in the report of the ILO's Committee of Experts on the Application of Conventions and Recommendations.

In this Report to the 85th Session of the International Labour Conference, the Committee of Experts warns that, if it is deprived of its supervisory role on the implementation of important international Conventions on the pretext that increased productivity and an emphasis on competition, a healthy work environment and stability on the labour market would be jeopardized and workers' individual dignity and freedom of choice would be severely limited. The result could be poorer conditions for workers in general. There is ample reason to endorse this view of the Committee of Experts.

When considering the Director-General's Report to the 85th Session of the International Labour Conference, it is necessary to keep in mind the discussions at the 81st International Labour Conference and the words of warning made by the ILO's Committee of Experts on the Application of Standards. The principal conclusion of the Report is that changes in the world's labour markets and the world economy make it necessary to review the working procedures of the ILO for the purpose of adjusting them to changing times. However, it should be emphasized that the ILO's objectives, as defined in its Constitution and in the Declaration of Philadelphia, are still fully valid.

None the less, further efforts should be made to ensure the implementation of Conventions concerning the basic rights of workers in all parts of the world. The question is, how can this be done? The Declaration adopted by the World Summit for Social Development held in Copenhagen in 1995, and the recent Ministerial Meeting of the World Trade Organization in Singapore, make it clear that this is a task that must be tackled by the ILO. In this connection, the important contribution of the OECD in examining the relationship between international labour standards and trade should be noted.

There is reason to give special support to the view that the ILO's Constitution, and ILO membership, involve a commitment to certain basic rights for workers, not only at the national level, but in all parts of the world. These rights are guaranteed by several basic Conventions. The measures taken by the Director-General to promote further ratification of these Conventions are to be welcomed. In this connection it should be borne in mind that Iceland has ratified all the Conventions in question with the exception of one, No. 138, on minimum age. However, I take pleasure in being able to state that last May the Althing, Iceland's Parliament, changed the chapter on the work of children and young persons in our Occupational Health and Safety Act, thus paving the way for Iceland to ratify this Convention as well.

The Director-General's Report proposes that the International Labour Conference should adopt a specific declaration to the effect that the member States should renew their commitments resulting from ILO membership. This is an interesting proposal which should be endorsed. I want to join those who have expressed hope that such a declaration could be adopted by the next International Labour Conference.

Original French: Mr. DE LA HAYE *(representative of the World Confederation of Teachers)* — The Director-General's Report to the 85th International Labour Conference relates to the problem of standards, which are of capital importance for the living and working conditions of workers throughout the world. As to education, at least in the context of the International Labour Organization, standards are essentially those in general Conventions or in more specific Conventions concerning public services, and the joint ILO/UNESCO Recommendation concerning the Status of Teachers, adopted in 1996, which, furthermore, still constitutes a reference point for the Joint Committee, as also for international organizations of teachers. Probably also within a short period of time, a Recommendation will be submitted to the next General Assembly of UNESCO in October-November next, on the working conditions of higher-education teaching staff, in the drafting of which the ILO has been closely involved.

International labour standards have dual significance. On the one hand they must reflect what can already be done; they must serve as a reference point to defend the rights of persons and must ensure the protection of people and of groups where the application of standards is lacking. On the other hand, they must point the way towards social progress by forward-looking thinking based upon past and present experience.

This dual significance can be seen much more clearly when it is transposed to the situation of education and teachers today. On the one hand, political decision-makers and international governmental organizations are clamouring in unison for education and teaching to be given more importance, today but even more so in the future, in a society which is essentially based upon knowledge and in which lifelong learning will necessarily give rise to new ideas, not only on basic education, but also concerning secondary and higher education, and on the right of access to lifelong training and, in more general terms, on the development of educational systems in a socio-economic context in the process of major change.

On the other hand, following structural adjustment programmes in developing countries, and voluntary adjustment programmes in industrialized countries, the means provided for education are either being substantially reduced or are being called into question. These policies obviously have a direct impact upon the working conditions of teaching staff throughout the world. And, all too often, we and our colleagues are duty bound to note a minimalist if not negative attitude towards the respect for international standards concerning, for example, working conditions, individual and collective rights, trade union rights, the right to participate in school life, the protection of wages, and so on and so forth. The World Confederation of Teachers nevertheless welcomes the follow-up given to the Joint Committee organized by the ILO last year considering the consequences of structural adjustment policies on education and teachers.

Furthermore, we also observe that new challenges have arisen for educational systems and that new and more stringent requirements are being imposed upon teachers. The reduction of budgets gives rise to thoughts about the search for quality. The danger would be that of believing that introducing new technologies could be a universal panacea. This is by no means the case. These new technologies will be effective only if they are included in a coherent, well-integrated educational system.

How then, on the basis of the developments observed and of those on the horizon, can we define new standards or adapt previous standards so that teaching staff can fully play their role as we move towards education in the twenty-first century? This then is the challenge before us today, not only in the world of teachers but before society at large.

The World Confederation of Teachers considers that a bird in the hand is worth two in the bush and that it is indispensable and even of priority importance to ensure first of all that throughout the world there is a correct application of standards relating to or applicable to education and teachers. Training trade union leaders in the optimum use of existing standards today is, as far as we are concerned, an absolute priority.

However, beyond this vigilance in the present, we must build the future and also innovate. This forward-looking approach is particularly relevant in the educational sector today. Hence, on the basis of the changes observed in society today and when taking account of strong trends and recent change in education and in educational systems at large, the World Confederation of Teachers is preparing itself for a detailed analysis of the situation as it exists today and for projections of future outcomes. Aware of this mission, the World Confederation of Teachers has already given considerable thought to the future of education and of teachers. It goes without saying that the conclusions of the International Labour Conference will be a driving force behind those thoughts.

During the four regional seminars, held in cooperation with the ILO and with its regional structures, the World Confederation of Teachers calls upon its members to think about the shape of tomorrow's education. These regional seminars will lead to the World Congress of the World Confederation of Teachers in 1998 with the theme of "The role of teachers in twenty-first century education".

I shall conclude by stating that these thoughts about the future are not a short-lived dream. The structure of standards applicable to teaching, even if not perfect or complete, provides the best possible guarantee that tomorrow the rights of teachers can be defended, even within a new framework. Hence, the standards applicable to teaching will fully carry out their double role, that is consolidating what has been done in the past and, on the other hand, being an instrument for social and economic progress in the future.

Original German: Ms. HOSTASCH *(Federal Minister of Labour, Health and Social Affairs, Austria)* — Austria is one of the countries that has always been aware of the importance and the influence of international standard setting on social developments as well as the importance of the clear implementation and monitoring of basic workers' rights.

The Report of the Director-General pinpoints some of the weaknesses of standard setting within the framework of the ILO, in particular in recent years, and indicates possible solutions. With regard to these considerations, which I endorse in principle, I would like to submit the following points.

In some cases, ratification is hampered by the detailed legal nature of Conventions independent of their social standards, which is difficult to align with national legislation. If the ILO legal instruments concentrated more on objectives and tendencies, we could probably achieve a higher level of ratification.

Of course there is no lack of major social policy issues at the present time. I share the opinion of the Director-General that the effects of globalization should not be confined to the economic sector alone but must be related to working and living conditions and should be subordinated to a number of generally applicable minimum standards. We therefore regret to note a trend to deregulate social protection, and think the risk of social peace being jeopardized and the temptation to withdraw behind protectionist barriers not unrealistic.

Austria, therefore, fully endorses the ILO's attempts to increase the protection of fundamental workers' rights. We should start setting the course now. Reporting on non-ratified Conventions and the requirement to list grounds hampering ratification, should not be underestimated in this context. However, in addition to this, more stringent means should be introduced for the protection of basic rights. The idea of amending the Constitution towards this end — and here we agree with the view of the Office — seems neither purposeful nor necessary, the reasons being that the basic principles which require protection are already enshrined in the Constitution which was adopted by all Members upon their accession to the ILO.

Austria, therefore, is far more in favour of the Director-General's proposal to formulate a document based on consensus according to which the principles of core Conventions for the protection of workers' rights — independently of ratification — are respected by all member States. Whether this declaration should refer to compliance with the principles of Conventions or also their details, will have to be discussed thoroughly by the Governing Body and possibly another session of the Conference. This discussion will also have to elucidate whether the adoption of such a declaration could have a negative effect on the will and motivations to ratify these core Conventions. Ratification should none the less remain our ultimate goal. We can also endorse the idea of a monitoring system similar to the one planned for Conventions Nos. 87 and 98.

In addition to these basic policy issues, from a practical point of view, we very much welcome the increased use of multidisciplinary teams to advise Members with regard to the implementation of Conventions, and in particular the Conventions on basic workers' rights.

The idea of the ILO becoming active in the field of social labelling is also something we consider highly interesting and worth examining. I agree with the Director-General that the question of social labelling requires close, careful attention.

To end, it gives me great pleasure to be able to tell you that Austria will join the International Programme on the Elimination of Child Labour.

Mr. JORDAN *(representative of the International Confederation of Free Trade Unions)* — My congratulations to the President on her election and to the Director-General on the choice of subject for his Report. It covers much ground. But for the ICFTU the crucial issue is how the ILO can inject social justice into the heart of the process of globalization. The challenge is not new but it is becoming more urgent as uncontrolled globalization accelerates and its social deficit grows. Commitments have been made at Copenhagen and Singapore, but action has not followed. The price of continued failure to act will be a breakdown in open multilateral economic and trade relations, and in the stability of our societies.

This Conference has the opportunity and the responsibility to stop the drift, to send out the message that the moment to act is now. It must say that the three-year debate on how to strengthen the ILO's supervisory powers is complete, that the Organization will now be empowered to contribute effectively to making universal respect of human rights at work the ground rules of the global economy.

International opinion will not tolerate those who would like to see the ILO rendered powerless in the face of the gross abuse of men, women and children, those who, in the name of national sovereignty, hang the sign "Silence: Workers being exploited" at their frontiers. The wilful abuse of workers has never been a necessary stage of development. The ILO's fundamental rights Conventions are tools of progress. As such, the ICFTU can see no justification for further delay in their implementation, and there are overwhelming imperatives of social justice which demand decisive action.

The Director-General is right to look beyond the national actors to the international agents of globalization. It is not the first time that he has pointed to the need for the ILO to adopt new approaches to the activities of multinational enterprises. Twenty years of experience with the ILO's tripartite declaration, and recent attempts to use its follow-up mechanisms, are proof enough of the need for new steps.

The ICFTU welcomes the job-creating potential of successful multinationals. Our interest is in working with them to ensure that their activities and their tremendous power and influence contribute to the goals of the ILO, and we detect a growing willingness from enterprises to work with us on codes of conduct and labelling schemes.

The ILO must become involved as a leader in this area which is uniting its tripartite constituents and other actors in civil society in numerous important activities. Certainly, it would ill behove those who historically have resisted the legal regulation of multinationals in favour of the voluntarist approach, to close the door now to ILO work which is framed in just those voluntarist terms.

For these reasons the ICFTU welcomes the major proposal made by the Director-General in respect of an overall social label. We believe that it merits further attention, with particular emphasis on the monitoring function, which is crucial to the effectiveness of any code or labelling scheme.

I have spoken positively of the many elements that Mr. Hansenne has put before this Conference. This is because the ICFTU recognizes in them a serious attempt to take up the challenges of Copenhagen and Singapore and to give life to the commitments that were made there. The ICFTU went to Singapore with the aim of having the WTO address the link between trade and labour standards in its work and with a commitment to the insertion of a social clause into the WTO treaty. That aim and that commitment remain. The measures proposed by the Director-General are complementary to them and not substitutes.

In his Report Mr. Hansenne has chosen to remain silent on the social clause. That silence should not be read as implying that the ILO no longer has a role to play in the continuing and difficult debate on this subject. The ILO does have a role.

The dominant issue in the debate at Singapore was the link between trade and labour standards, and the central argument of those countries which said that the WTO was not the place to deal with labour standards was that the ILO could deliver the social dimension that the globalization of trade so desperately needs.

I challenge those countries to honour the words they said in Singapore. The ILO must have made substantial progress on the application of standards by the time of the next WTO meeting. The opportunity is here, action must start now. If the ILO fails in this task it will be judged harshly, and rightly so. And the ICFTU will take its argument back to the WTO, and those who have here opposed the measures needed to create an effective ILO will have significantly strengthened our case.

Original French: Mgr. BERTELLO *(Apostolic Nuncio, The Holy See)* — The delegation of The Holy See would first of all like to join previous speakers in congratulating the President on her election.

In his Report the Director-General provides us with a clear picture of the role that the ILO is called upon to play, adapting its action to changes in the world situation in order to ensure that social progress goes hand in hand with economic and trade development, thus enabling the social partners to benefit equitably from the fruits of globalization. The future does not belong to those who neglect social factors in the quest for purely economic results or to those who support social policies which are neither realistic nor viable.

Thirty years ago Pope Paul VI wrote in his Encyclical Letter "Populorum Progressio" on the development of peoples, that, "An economy of exchange can no longer be based solely on the law of free competition, a law which, in its turn, too often creates an economic dictatorship — freedom of trade is fair only if it is subject to the demands of social justice."

The Declaration of Philadelphia and the ILO Constitution with their solemn endorsements of the dignity of the human person and of labour have inspired the standards of this Organization. They constitute the essential means for protecting, and if necessary, for reinterpreting the fundamental rights of workers in a world which is ever more complex and changing and which requires fresh thinking and the ability of governments, employers and workers to project themselves into the future in a spirit of constructive dialogue.

In this connection the social doctrine of the Catholic Church is quite clear. The economy is to serve man, and not the reverse, and the rights of workers come before the rights of capital. The upheaval in the political and economic situation which has taken place in the last few years with a tendency towards market deregulation and trade liberalization, marked by increased competition, inevitably have serious repercussions on the human race which further underlines the importance of the primordial right of each man to have a job which fulfils him and allows him to live with his family.

As the Pope said recently to the members of the Pontifical Academy of Social Sciences, this does not condemn market liberalization, but it means that we should view and implement it with respect for the primacy of the human being to which economic systems should be subject. It is the equality in this dignity that all standards should develop, promote and protect, because we cannot passively develop economic mechanisms without taking account of the true nature of man.

In a society which is increasingly globalized, can we envisage solving problems in isolation, or within the limited confines of national borders? The idea of the common good today goes beyond the interests, even though they are legitimate, of individual countries, and extends to the boundaries of the international community. The spirit of solidarity therefore inevitably takes on a universal dimension which requires concerted action and the cooperation of all.

My delegation would like to stress two aspects of this solidarity. First, the respect for national and regional communities with their wealth of peoples and cultures, cultures which shape them and which promote authentic values. One of the dangers of liberalization may very well be that of imposing, even if indirectly, a single world culture and levelling down the specifities which constitute the wealth of humanity.

Secondly, my delegation cannot fail to think of developing countries. Developing countries are expecting new possibilities from the liberalization of trade in order to ensure their development, not just at the economic level, but more particularly, their social development. A new international economic order, which would condemn part of the world's population to a permanent state of poverty would be fundamentally unjust. If we hope to achieve the common good at the planetary level, all countries should be able to participate actively in the global economy and receive the fruits of their commitment.

The developing countries expect from the ILO all necessary assistance, both through financial assistance and technical cooperation programmes, and also through a humane understanding of their difficulties, and a demonstration of real solidarity towards their populations, which seek to be understood and respected.

Original French: Mr. DELHOMENIE *(Workers' delegate, France)* — After congratulating the President and Vice-Presidents on their election, I should like to congratulate the Director-General for the excellent Report submitted to us for our consideration, while nevertheless reproaching him with the fact that the intensity of his comments and proposals combined with the brevity of our statements, oblige us to give mere excerpts and approximations of our points of view given the time constraints.

Before coming back to the various points mentioned, we can say that we fully agree with his diagnosis concerning globalization. Nowhere is it stated or written that globalization *a priori* will be detrimental to populations in general, and to workers in particular. If we make good use of globalization, it holds out more promises than threats. It will be what we can make of it with the instruments available to us. Indeed, in this respect the ILO should play a major role.

We also fully agree with the philosophy expressed in the first part of this Report concerning economic interdependence, the promotion of rights rather than sanctions, on stimulating the setting on limitations of codes of conduct. The respect for universal rules, the adoption of a solemn declaration, the evaluation of social progress, the idea of a global social label, are all paths which are worth exploring. All of these ideas are not, and indeed should not be envisaged or implemented as instruments for the protectionism of industrialized countries to the detriment of others. As workers in industrialized countries, countries which still show many inequalities, the most important of which is unemployment, we hope that the world population as a whole can benefit progressively from the fundamental rights which is the *raison d'être* of our tripartite organization.

However, I should like to make two further observations. As far as we are concerned, the ILO is not sufficiently grounded in public opinion. While its role is indispensable, and, indeed inevitable, it cannot do everything alone. The Report very rightly highlights the role of consumer organizations, for example. How can we work with them without calling into question the tripartite nature of the ILO? Should we not compare our viewpoints with them in order, for example, to enlighten our views concerning codes of conduct and the prospect of global social labelling? If not, this movement may very well continue and also expand and one day turn against us, given all the defects rightly mentioned in the Report.

My second comment is, that we have to go further in implementing standards. Technical cooperation which has made major progress in the course of the last few years has to be strengthened. The ILO must not only draft standards and monitor their implementation; increasingly it must help States to implement them. In this connection, we wish to appeal at this tribune for a strengthening of the tripartite aspect of that technical cooperation which, in our view, is still very insufficient.

In the second part of the Report, the Director-General examines standards. Undeniably, his diagnosis is also marked by common sense. Indeed, we should not be indifferent to the slow down, if not stagnation, in my own country over the last few years concerning ratification of Conventions. After legitimate protest, we should begin asking ourselves questions.

After giving this question due thought, we consider that the guidelines for work suggested are all worthy of further study. Of course, we are concerned about the strengthening of the role of Recommendations, while bearing in mind the difficulties encountered in drafting Conventions. It seems to us that in order to overcome this fear, we should dig deeper into some of the ideas contained in this part of the Report concerning the overhaul of Conventions, as well as the subjects and contents thereof. Otherwise, the bitter struggle against any Convention may very well be followed by a bitter struggle against all Recommendations. It is thus up to the Governing Body to continue to give thought to this matter and to relaunch, and renew, the ILO's standard-setting role.

We are convinced that it is time for our Organization to ask itself more than it has done in the past about its *modus operandi*, its means and its results. Without renouncing our objectives, we must accept calling ourselves into question in order better to bounce back and to tackle the twenty-first century, in the hope of making even more effective contributions to the ideals of those who founded our Organization.

Original Arabic: Mr. GHOCHEH *(representative of Palestine)* — First of all, I would like to express my sincere congratulations to the President of the Conference as well as to the Vice-Presidents for the confidence placed in them by the Conference. We hope that the Conference will be a success and we hope that it will lead to appropriate recommendations and decisions which serve the noble objectives of the Conference.

The International Labour Conference has always been an important forum for the exchange of experiences and views and continues to be an ideal framework for studying the various problems we confront, and through our joint action, dialogue and mutual understanding, we seek adequate solutions to these problems.

I would like to refer to the problems related to economic and social development and the strengthening of respect for the fundamental human right to work, since the respect for these rights is a prerequisite for social progress. Man and the improvement of his standard of living have always been the object of efforts to secure progress and development.

We have always stressed this fact and will continue to do so especially since the Palestinian people have been the victims of great injustice. Through years of

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occupation and expulsion, their fundamental rights have been violated, and they have been prevented from leading a life of dignity and freedom in their own country and within the framework of an independent State with the holy city of Jerusalem as its capital.

We have fought for years to consolidate the fundamental rights of our workers and we have supported all measures aimed at guaranteeing these rights. We firmly believe that workers should profit equally from the benefits of globalization, so that economic progress resulting from international trade liberalization is reflected at the social level and should lead to direct advantages for workers.

For many communities, such as ours, which are suffering from a very high level of unemployment, the first of these advantages is employment creation to reduce unemployment and to provide an income and decent life for a large number of persons.

A few months ago we hosted in Palestine members of the twentieth fact-finding mission sent by the Director-General to the Palestinian territories and other occupied Arab territories and to Israel. You will no doubt have noted in the mission report the indescribable suffering that the Palestinian people continue to endure in the Golan and in southern Lebanon as a result of the continued Israeli occupation and non-observance, by the Israeli Government, of all agreements concluded with the PLO and the Palestinian Authority as well as the legitimate international decisions and the "land for peace" principle.

The escalation of Israeli practices in particular with regard to its continued policy of imposing an embargo, the closing off of Palestinian territories which is throttling our economy by preventing workers for long periods from reaching their place of work and by restricting the free circulation of goods, products and individuals between the West Bank, the Gaza Strip and Israel and also within the Palestinian territories themselves. This has caused much damage and great harm to our economy and employers, and has also further increased unemployment in the West Bank and Gaza to levels unparalleled since the beginning of last year.

In spite of all the measures related to the occupation taken by the Israeli authorities, the efforts made by the Palestinian Minister of Labour to find solutions to the chronic problems of the labour market in the West Bank and Gaza Strip, demonstrate our willingness to reconstruct and develop our society with the help of a number of our Arab brothers and our friends throughout the world.

With this in mind, the Minister of Labour is seeking to improve the performance of the economy and restructure the services available to the citizens. This has been noted by the members of the fact-finding mission who visited a number of offices and held meetings with leaders of various administrations.

The Minister of Labour, together with other ministries, and in close cooperation with the workers' and employers' representatives, is seeking to formulate programmes and projects in order to absorb more labour into the local labour market since more than 15 per cent of Palestinian workers have lost their jobs in Israel.

Within this framework, the Minister is devoting particular attention to the Palestinian job-creation programme which is being implemented in conjunction with the ILO and with the laudable assistance of the Government of the United Arab Emirates. Preparations are under way for an international conference on development and employment in Palestine, with the assistance of the Swedish Government, before the end of the year.

We hope to be able to count on your support and to ensure the success of this conference. These programmes which our Minister is trying to implement, in cooperation with the ILO, is aimed at finding solutions to a number of very acute problems particularly in the West Bank and Gaza, and to mitigate the effects of the policy of embargo and stifling of the economy pursued by the Israeli Government, in particular an end to the worsening of unemployment and the implementation of policies to fight unemployment and to reduce it to an acceptable level.

Our peoples wish to reaffirm their attachment to peace and reject the resort to violence and all forms of belligerence. However, if we do not put a definite end to Israel's policy of embargo and cordoning of territory, if we do not put an end to the problem of unbridled unemployment and guarantee the rights to work and to social protection for all disadvantaged groups, if the establishment of settlements, confiscation of land and imposition of Judaism in Jerusalem are not ended, and if the peace process is not accelerated in all areas in Palestine, in the Syrian Arab Republic and in southern Lebanon, our region will not know stability and security, and social and political violence which are likely to threaten peace and security throughout the world, will be impossible to contain.

Mr. JARIKOV *(representative of the World Federation of Trade Unions)* — The WFTU congratulates the President on her election and appreciates the comprehensive manner in which the Director-General, in his Report, has submitted vital issues for discussion.

The establishment of the ILO in 1919 to examine and deal with the social consequences of a global system of exploitation was in many ways stimulated by the rising working people's struggles worldwide early this century.

The latest United Nations human development report draws attention to a world that is today more polarized than in the past economically, both between and within countries. In over 100 countries, per capita income is lower than it was 15 years ago. In 70 developing countries it is lower than it was in the 1960s and the 1970s. Many governments have repealed laws favouring workers. The situation is no longer simply unacceptable; it has become intolerable.

The trade union movement is shocked at the lack of political will to implement the solemn commitments undertaken at the Copenhagen World Summit for Social Development and at the maintenance of policies which further worsened the social crisis. Since the Summit the big companies have been competing to eliminate jobs to impress speculators on the stock exchange. The trade union movement is alarmed at the current priority of the monetary fundamentalists to eliminate all the union gains achieved during this century. While public assets are run down and misappropriated in the name of privatization, budgets for health care, social security, education and training of young people are mercilessly cut.

Recent political shifts in Europe and elsewhere have revealed the extent of opposition to the current economic model, which has clearly ignored the social dimension.

We consider that the adoption of the proposed solemn declaration by this Conference should go hand in hand with the strengthening of existing Conventions and new monitoring mechanisms to help secure the effective implementation of labour standards.

The ILO should urge governments to enact and implement progressive and not regressive legislation, and adopt laws whereby all enterprises, the multinationals included, declare in their annual reports the state of compliance with international labour standards. The tendency of certain big companies and employers to organize and finance a campaign for a union-free environment, even by physical liquidation of trade union leaders, should be strongly deplored. We suggest that the tripartite declaration on multinational enterprises be upgraded as an ILO Convention.

The WFTU stands for united action, always exploring possibilities and remaining open to active cooperation at all levels in order to find solutions to the acute economic and social problems, in the workers' interests. We regret to note that such a spirit does not exist while governments nominate delegations to this Conference. We deplore the policy of exclusion, which amounts to discrimination, on ideological grounds, against representative national trade union centres, and strongly urge governments to respect the pluralism and diversity in the trade union movement.

We note that certain double standards seem to prevail also when we discuss universal compliance with core Conventions. Regimes which do not recognize trade union rights and human rights, and particularly the rights of women, are welcomed as most favoured trading partners by certain big trading nations, while they draw up a selective list of countries for boycotts and sanctions.

The social agenda cannot be shelved, distorted or turned against itself as a form of protectionism, as some people would wish. The trade unions reject high-handed policies of blockades or sanctions, and seek to dismantle economic barriers that destroy national agriculture and industry and hamper real trade between countries, thereby provoking unemployment, famine and poverty worldwide.

International trade cannot and should not be used to enforce dependence of countries and their submission to global cartels and multinational enterprises.

To follow the previous speaker, I wish to draw the attention of the Conference to the continuing difficult situation of the Arab working people in the Syrian Golan Heights, southern Lebanon and the Arab Palestinian territories occupied by Israel. The Israeli policy of confiscating Arab lands to build new settlements, the arbitrary bans and interference in the movement of Arab workers to their workplaces, the continuing repression and collective punishments are creating an explosive situation and are threatening the peace process. The situation calls for effective intervention in the international community, including the ILO, to protect the Arab workers and workers everywhere, to ensure full Israeli withdrawal from all occupied territories, and to achieve a comprehensive and just peace in this region.

Original Russian: Mr. STOYAN *(Workers' delegate, Ukraine)* — May I start by congratulating the President on her appointment to this high post and wish her every success in directing the work of this session of the Conference.

The Report of the Director-General on the ILO, standard setting and globalization gives a sufficiently broad description of the specific steps capable of effectively strengthening the ILO's standard-setting activities and making them more relevant in the coming years. I agree with the Director-General's remark that "all these measures may be taken within the framework of constitutional provisions in force". But it is also beyond any doubt that new developments will make it necessary to reinterpret the ILO's values on the eve of the twenty-first century. This will require much more than a simple "new reading" of the Constitution. We must answer the question of whether, for social development, economic growth can remain an end in itself.

Today, because of the growth of the world capital market and financial services, there are fewer and fewer people who have any doubt that globalization is irreversible. But at the same time, an increasing number of people are beginning to realize that the unfettered international competition which is often referred to as the "new jungle" carries with it some very serious dangers.

The new Ukrainian State is encountering difficulties in finding its place in world processes and structures. Most of the problems stem from its own inconsistent economic policies. As a result, last year was yet another year of disappointment for Ukraine. The drop in gross domestic product came to 10 per cent, as against the forecast of 1.8 per cent. Yet, the Ukrainian Government and a number of international institutions had said that 1996 would be a year of stabilization of production.

The Government managed to deal with only one problem: inflation. In 1996 we had an inflation rate of 139 per cent, as opposed to 10,256 per cent in 1993. None the less, money continues to be attracted to speculation, and remains outside the real economy. For the time being the Government cannot come to grips with the underground economy and has increasingly demonstrated its inability to meet its financial obligations to cover government orders and wage payments for its workers. Enterprises too have withheld payment to their suppliers and have stopped paying wages, which is a violation of the citizen's constitutional right to timely remuneration of work. In May of this year the debt amounted to nearly US$2.6 billion. It would appear that the non-payment of wages has become a new "macroeconomic variable" which is being used to control inflation and other macroeconomic trends.

Barter is being used on a massive scale. In many regions, large enterprises are paying for natural gas with their production, or are paying workers' salaries in kind.

This situation is costly for the Government, as most enterprises are unable — or do what they can to make sure they are unable — to pay tax. Tax receipts amount to scarcely 72 per cent of the amount budgeted. The population's real income fell by 12 per cent just in the last year; since 1990 it has fallen by 65 per cent.

Today some 70 per cent of the population lives below the poverty line, which this year was set at US$38. It is estimated that 35 million Ukrainians now live on one dollar per day. The already large gap between the "haves" and "have nots" is still growing.

And yet the plans for implementation of the economic stabilization plan will further impoverish the population. To please the International Monetary Fund, the Government intends to abolish a good many social guarantees and withhold still more from wages. It has disregarded the principle of social partnership and unilaterally submitted the draft laws required for such steps to the Supreme Soviet, despite the fact that many of these texts are unconstitutional.

The situation is exacerbated by the fact that there is still no definition of a minimum subsistence level, even though the country's constitution provides for one. The Government, taking advantage of this, offered to set the minimum wage at 35 griven, or US$19, per month. We have fought to ensure that the minimum wage is based on the minimum subsistence level.

Unemployment, which is officially at 1.2 per cent, is estimated in actual fact by various sources at around 20 per cent, owing to hidden unemployment. The trade union federation has thus demanded that partial employment and partial unemployment should be defined and legally recognized. All of this should be included in the new version of the Employment Act and the Partial Unemployment Act, both of which are now being considered by the Supreme Soviet of Ukraine, with our participation.

The Government has not only intensified its attacks on workers, but also on their trade unions. For example, the state property fund of Ukraine has tried by any means possible to illegally nationalize trade union property belonging to the union members' fund. We should like to recall that in the opinion of the Committee of Experts, the transfer of union property many only be effected by legislative means, pursuant to the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). We were thus forced to bring a case before the High Arbitration Court of Ukraine with a view to defending union property. The Court upheld the legality of the administration by the union members' fund of all health and tourism establishments. None the less, more government claims are still being made on union property.

On the eve of a new millennium, the ILO has a wonderful opportunity to extend its standard-setting activities and create a basis for a future mechanism to foster the universal observance of basic rights. The ILO must develop a doctrine on the social measures which accompany the globalization process. In my opinion, the adoption of a declaration on fundamental rights, which the Director-General has proposed, is an indispensable step along this path.

Original Russian: Ms. DEGUTIENE *(Minister of Social Security and Labour, Lithuania)* — First of all, on behalf of the Lithuanian delegation let me extend to the President, my warmest congratulations on the occasion of this meeting, and wish her constructive and productive work.

Appraising the current situation and determining the guidelines for the future, the ILO is ready to reach an objective to sustain and develop the universality of using fundamental standards. It was *clearly* reflected in the Report of the Director-General to this Conference, containing a far-reaching overview of measures stipulating a *greater relevance* for standard-setting action of the ILO in forthcoming years.

Globalization of the economy takes place in countries in transition to a market economy such as Lithuania. This complex process of the *creation of a market economy* is a complicated one. It has brought to Lithuania, as to other similar countries, not only the democratization of society and encouraging signs of macroeconomic stabilization, but also the marginalization of a number of social groups as well as job and income insecurity.

There was certainly a sharp drop in gross domestic product during the transition, but there has been a rise in the last two years. Inflation has been drastically reduced and is now stable. The unemployment rate was 5.9 per cent in May 1997 and it is going down. The main shift in the labour force has been some from the state sector to the private sector. Increasing employment was particularly evident in the rural private sector, where land was returned to its previous owners and private property restored.

The extension of foreign trade and the participation of foreign capital are increasing quickly in Lithuania. International competitiveness and activity of national companies face the same process.

The economic recovery has started and seems to be a long process. Nevertheless, today Lithuania has the prospect of favourable trends with regard to living standards, health, employment and education. Social protection will yield the best results when it becomes part of a development strategy based on the main human development objectives, such as *equal opportunities for everyone*, freedom of choice and empowerment.

The national labour and social law system has been created in Lithuania taking into account relevant ILO instruments. The national legal system gives workers certain *basic rights,* and labour relations in the legal system are being regulated following principles laid down by law, such as equal rights of workers regardless of their sex, race, nationality, citizenship, political beliefs, attitudes towards religion and other circumstances.

The Law on Collective Agreements of Lithuania provides for social dialogue for employers and professional organizations. The bipartite and tripartite social dialogue is carried out on the basis of the principle of equality. The established Tripartite Council has a whole range of responsibilities. It has the right to discuss draft laws and other standards in the social, economic and labour areas, to draw conclusions and to present proposals either to Parliament or to Government. The Council has the right to discuss the draft annual tripartite agreement on social, economic and labour activities, to analyse draft projects on the other collective agreements and to present recommendations on their improvement.

It is clear that these and other national legal acts take into account *provisions of instruments of the International Labour Organization,* as well as of the European Union, the Council of Europe and others.

At the present time we have ratified 30 ILO Conventions, and four new Conventions have been submitted to Parliament. I am sure this process will continue in the future. Nevertheless, making decisions on new ratifications, we try to evaluate carefully and approximate our legislation to these international standards and also examine the possibilities we have to supervise their application.

We would like to agree with the idea of the Director-General that it will be necessary in the future to draft new instruments more precisely and at the same time attach a greater role to recommendations as such.

The outcome of this Conference should be geared towards human beings irrespective of race, borders or continents. The principle of social justice does not recognize the conditional division. It recognizes justice. I call upon everybody to follow that principle in discussing the standard-setting functions of the International Labour Organization.

I am grateful for the honour to participate in this Conference and wish everybody good luck.

Original German: Mr. ARBESSER-RASTBURG *(Employers' delegate, Austria)* — First of all, on behalf of the Austrian Employers I would like to congratulate the President most sincerely on her election. I am convinced that she and the Officers, thanks to their vast international experience, will succeed in playing a decisive role in the solving of difficult problems.

The World Social Summit in Copenhagen, which I had the honour of attending, and the declaration of the Ministerial Conference of the WTO in Singapore, have emphasized the decisive role of our Organization within the framework of the United Nations family. It was stated clearly, amongst other things, that the promotion of ILO core Conventions is particularly important. We are referring to Conventions Nos. 87 and 98, freedom of association and collective bargaining, Nos. 29 and 105, prohibition of forced labour and child labour, Nos. 100 and 111, equal treatment and non-discrimination, and No. 138, minimum age.

Since Copenhagen, progress has been made with regard to the ratification of these Conventions. Singapore clearly stated that the International Labour Organization is the competent body for the formulation and treatment of these standards. The Director-General pointed out unequivocally in his Report that this should be our joint endeavour in future years. If one looks at how Conventions have been decided on in recent years one notes that many governments voted in favour of Conventions without the intention to ratify them. We have seen that for numerous reasons a whole series of Conventions were only ratified by a few countries, in sharp contrast to government attitudes and positions during voting procedures in Geneva.

Furthermore, I feel that close attention should be paid to Recommendations and that not all problems should be dealt with through Conventions, which are frequently not ratified. We should not forget that adopted Recommendations can also set the course for social development in a number of countries.

This year, once again, I would point out the importance of assistance granted to former COMECON States, in particular by multidisciplinary teams. In cases where the latter are not yet complete we should search for top-ranking experts to complete them.

A major topic of the Conference is small and medium-sized enterprises. Attention should be paid to the promotion of new SMEs. Developments on the labour market worldwide have shown that SMEs in particular play a crucial role in successfully combating unemployment. One of the specific aims of our Organization is to find ways and means to make a useful contribution in this area and to come to grips with unemployment.

Original Spanish: Mr. CIFUENTES MENDOZA *(Minister of Labour and Social Welfare, Guatemala)* — Madam President, this Conference is a successful one. I believe that this success is largely due to your able guidance and thus would like to associate myself with those who have expressed their pleasure at your appointment. I also extend these congratulations to the other Officers of the Conference.

As I have said on other occasions, on the 29 December 1996 the Agreement on a Firm and Lasting Peace was signed in Guatemala City between the Government of the Republic and the URNG. This gave greater tranquillity to all Guatemalans and put an end to many years of armed internal conflict. In Guatemala a new era is now beginning which opens up the door to hope, to a new way of settling our problems to a stage of dialogue and tolerance in which great hopes have been placed, and which would take shape in the strengthening of our institutions. In order to implement the Agreement on a Firm and Lasting Peace we, as Guatemalans, count upon the cooperation of the international community and various international organizations. With their help it will no doubt be easier to implement the Agreement. The International Labour Organization has always been present at our side, and for this reason, on behalf of the Government of Guatemala, I should now like to express my thanks for the support received.

These Peace Agreements confer on the Ministry of Labour a series of mandates such as modernizing the Ministry itself, strengthening and decentralizing the realm of labour inspection for compliance with labour laws, above all concerning occupational safety and health, and a new design for standards of labour relations. We are also committed to disseminating labour laws in the Mayan languages, amending labour legislation, training 200,000 workers, and making use of dialogue as a tool for solving conflicts. I wish to state here, before the distinguished delegates, that we have begun to carry out these commitments in accordance with the flow chart established in the Peace Agreements themselves. We hope to see as a result of this process that in the short term there will be an improvement in labour relations.

The use of dialogue as a labour instrument is worthy of special attention. It is for this purpose that we have strengthened the tripartite body in which periodically workers and employers meet to discuss and settle the various problems which occur in the labour field.

As has been recognized on several occasions already, times have changed in Guatemala and are continuing to change most radically. Our Government is committed to building a new State which pays greater attention to the question of respect for human rights and to peaceful coexistence. In this connection a process of cleaning out and reorganizing of the security forces is taking place. In the opinion of specialists, this process is unprecedented in Latin America. All of this is beneficial for the furtherance of labour relations and creates a new framework within which freedom of association and the freedom to exercise the rights inherent to the worker acquire very special significance.

We express our thanks to the Director-General for his detailed Report. We believe in the role being played by the Organization in developing and promoting labour standards, as also in seeking to make fundamental rights more universal. These rights ensure that the worker will receive the fruits of economic progress created by the liberalization of trade. Nevertheless, we do note with concern that some of the ideas expressed therein may be used as a pretext for masking protectionist measures. For this reason we consider that the Director-General's Report requires more in-depth analysis and examination before relaunching the standard-setting activities of this Organization.

As to trade union freedoms, it is only fair to recognize that my country has received considerable support from the ILO. That support has taken a variety of forms, and we hope that we can continue to count upon it. For this reason, as a gesture of gratitude for what we have received, I should like to take this opportunity, before this podium, to offer the premises of the Ministry of Labour in Guatemala City to a permanent ILO team which, no doubt, would be most beneficial for the entire region, but more particularly for Guatemala.

Original Arabic: Mr. ALQDSEY *(Employers' delegate, Iraq)* — I would like to congratulate Ms. Keltošová for her election and to congratulate the Organization for their wise choice in appointing her as President of this Conference.

At the time when we are talking about the globalization of the economy and international trade and seeking out ways to improve the flows of products, production units, capital and employment and when we are calling upon governments and international organizations to reduce obstacles to international trade, we see that Iraq is still subject to an embargo that was imposed upon it seven years ago. This prevents it from responding to the needs of globalization and trade with the entire world.

I should like to show you that the embargo imposed upon Iraq prevents us from importing raw materials, intermediate materials and all other materials necessary for production of raw materials, capital equipment and machines. That embargo also prevents us from exporting our industrial, agricultural and other products.

As chairman of the Iraqi Union of Industries, which covers more than 24,000 industrial enterprises and establishments in the private sector, I am duty-bound to show you that 75 per cent of these industrial enterprises and establishments have been obliged to close down. The owners have lost their means of subsistence, and more than 1 million workers who formerly worked in these industries have been dismissed. Other enterprises which are still working can only continue to exist at a quarter of their capacity, at best.

A large number of companies in Iraq have had to close down because of a lack of raw materials and intermediate materials, a lack of spare parts, or irregular supply of electricity. This has had a serious impact on employers and workers. A large number as I have said have lost their means of subsistence.

The embargo imposed upon Iraqi people goes beyond the economic realm. It also affects health, the environment, education, culture and all fields of daily life, in violation of the fundamental human rights of the partners in production — workers and employers — rights defended and protected by our Organization are prohibited to them.

I would like to call upon this august assembly, on representatives of all countries, whether from the government sector or the private sector, whether from the employers' sector or the workers' sector, to shoulder the moral responsibilities in all honesty, and to take steps to remove this unfair embargo which is contrary to the respect of the fundamental human rights, so that the Iraqi people may progress and reassume their place within the international community.

The Iraqi people calls upon you to remove this unjust embargo which has been imposed upon it, and not to allow the world economy to depend upon pernicious policies which know nothing of the interests of people or the welfare of the human race.

The Iraqi people request your help to rebuild their country and to reopen their factories and their production units, in the interest of all parties concerned.

To restate our position as employers in Iraq with regard to the Palestinian people, we denounce the oppression, terrorism, killings and torture endured by this people. This has been affirmed already by the mission of the International Labour Organization. We also appeal in favour of lifting the embargo imposed on the Libyan Arab Jamahiriya. We denounce all the plots made against Sudan. We are on their side and demand respect for territorial integrity.

Original Russian: Mr. SHMAKOV *(Workers' delegate, Russian Federation)* — The Russian trade unions consider the Director-General's Report a topical contribution, which raises timely questions for both the Organization and its national constituents.

Now that it has embarked on a path of democratic change, Russia is becoming a dynamic and responsible member of the international community. The workers of my country welcome this process and are attentively watching to see how in this role Russia relates to economic globalization and its effect on the social and labour sphere. It is important that expectations for globalization should not be let down. In order to prevent that, the ILO must, as is mentioned in the Report, "guarantee a greater universality in the application of its fundamental standards".

In the time of the Soviet Union, that idea of universal application stopped, at least according to its leaders, at the borders of the USSR. Today, the extent to which that universality is acknowledged in practice is a yardstick by which we can measure the democratic commitment of Russia's new leadership.

As a result of active cooperation with the International Labour Office, the workers of Russia are aware that the rights enshrined in ILO Conventions permit them to demand their fair share of economic growth. In those instruments they see an opportunity to take stock of the efforts made to turn the fruits of globalization into real social benefits.

In that context, we are interested in the discussion surrounding the introduction of a social label for countries which observe all the fundamental rights of workers. However, I am afraid that in the case of Russia that kind of label can hardly be put on 80 per cent of our products, for in our country one of the main elements of workers' rights — and human rights — is being violated. I am referring to the timely and full payment of wages for work which has been done.

Fifty-two trillion rubles is the amount of back pay currently owed to Russian workers. Does that sound like a lot? To give you an idea of just how much that is, I should point out that it comes to 30 per cent more than the monthly wage bill of our enormous country.

The measures taken by the State in response to the largest protest by Russian workers in this century — a protest against the non-payment of wages — have merely frozen this enormous debt where it stands.

The Cabinet of Ministers is now concocting a new law aimed at "setting right" the payment of social benefits. As a result the Government hopes to "save" some 30 trillion more rubles by cutting back benefits.

It is enough to give you the impression that the Russian Government and the state Duma are not so much concerned about sharing the fruits of democracy and progress with the overwhelming majority of the people, but rather about how to place the financial burden of the failure of their own economic policy on their shoulders.

To use an expression from the Director-General's Report, this "new form of the ideology of progress" will not only lead to disillusionment among our 150 million people, but is rife with the threat of a social explosion which cannot fail to have repercussions all over our "globalized" world.

The commitment made by the Russian Federation as early as 1995 at the World Summit for Social Development to provide every man and woman with the opportunity to have reliable and stable means of existence through freely chosen and productive work now sounds like a grotesque joke. It is as if the principle enshrined in the ILO Constitution has been reinterpreted by the neo-liberals as "*no* pay for equal work".

That is why it is so important to us that the Director-General refers to the need to observe the universally applicable rules of the game. These rules presuppose respect for fundamental rights, which, among other things, must be guaranteed by all the partners engaged in the system of multilateral trade. This is an extremely important issue at this time as both the World Trade Organization and the Organization for Economic Cooperation and Development are now considering whether to extend their membership. We support the idea of adopting a new declaration bringing together the universally acknowledged fundamental rights. We also support the establishment of a supervisory machinery to monitor its application, for instance in the form of a periodic report by the Director-General on social progress in the world, with a subsequent tripartite discussion.

The supervisory machinery is in serious need of strengthening and improvement. In this connection, I would like to ask the Director-General how, with any common sense, it can logically be explained that the lodging of a new complaint can block consideration by the Conference of a complaint submitted much earlier on the same subject, and under a different procedure, and which has already been the subject of much deliberation? In circumstances of trade union pluralism this leads to discrimination against those organizations that are quicker to act on a given subject. It also makes it possible to use stalling tactics to draw out the consideration of complaints.

We are told that this question is not governed by any legal documents, but rather by well-known "usual practice". I should like to ask the legal experts of the International Labour Office whether the Conference is not a sovereign body which is capable of changing obsolete practices that no longer correspond with today's reality? Obviously, ILO Conventions are not the only things which may become obsolete — this can happen to a number of ILO formal procedures. When this occurs it does nothing to enhance the Organization's standing in the eyes of millions of people who expect it to take effective decisions and not become bogged down in philosophical prevarication.

This situation is by no means improved when some people hide behind pseudo-legal pedantics to eschew their responsibility to their peoples and the international community.

To conclude, I would like to sum up my assessment of the Report by quoting a well-known phrase from the Preamble to the ILO Constitution: "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries".

A genuine awareness of this home truth on the part of all the social partners will make it possible to answer a question that many people are now asking: Is there a future for the ILO? The workers of Russia sincerely hope that the answer will be a resounding "yes".

Mr. DETCHEV *(Employers' adviser, Bulgaria)* — Allow me first of all to congratulate the President and Vice-Presidents on their election to chair this responsible and important session of the International Labour Conference.

Undoubtedly, the acceleration of innovation processes worldwide strongly influences both interaction in the economic field and cooperation in the elaboration of, and compliance with, the principles and criteria underlying the fundamental ILO standards.

Analysing our own experience of a seven-year transition to a market economy and pluralistic democracy, we are convinced that the underrating of any one of these factors either leads to a limitation of potential opportunities provided by globalization or puts to a test the proper functioning of the democratic institutions. This conclusion has been emphasized with good reason in the Director-General's Report.

The pace of reform in Bulgaria has been largely limited by the disintegration of the CMEA markets, as well as by the several years long Yugoembargo. The strict observance of the sanctions, however, has damaged our own economic development.

As to international labour standards, we are convinced of the need for further action for their consistent and flexible implementation and in the approximation of Bulgarian legislation to the European Union and other international standards, all the more so since, under the Bulgarian Constitution of 1991, Conventions, once ratified are self-executing and become part of the national law and take priority over conflicting standards of domestic legislation.

Bulgaria has opted for fast and resolute integration with the European structures and the prerequisites for this are now more favourable than ever before.

At the beginning of this year, Bulgaria started to emerge from a grave political and economic crisis triggered by an ambivalent and inconsistent strategy which had led to mounting insecurity and mistrust of institutions.

Efforts are now focused on political stability and broad public support for the essential principles of the reforms: removal of obstacles to the development of market mechanisms and to the inflow of foreign investments, introduction of a currency board arrangement and curtailment of the budget deficit.

The structural reform is intended, basically, to carry out an accelerated and transparent cash privatization, provide concessions for foreign investors and liquidate loss-making state-owned enterprises.

This turn of events lives up to the expectations of the private sector and especially of small entrepreneurs, who would like to see stabilization of institutions and consistency in medium and long-term measures.

The institutionalization of social partnership, dialogue and participation have practically strengthened the basic principles of civil society: recognition of freedom of association, freedom of negotiation and autonomy of non-governmental organizations. These principles are clearly outlined by the ILO mandate.

The new umbrella organization, the Association of the Organizations of Bulgarian Employers, came into being to satisfy a need for a collective action in the emerging market environment, for a common strategy to encourage structural adjustment and privatization and, last but not least, for social peace.

On this basis, the concerted efforts and initiative of Bulgarian employers are targeted mainly at more and varied consulting services, information and forms of training for entrepreneurs so that they can survive, achieve economic growth, make profits and invest.

Referring to the problems set forth in Mr. Hansenne's Report, we are apprehensive that within the framework of social partnership, we have not been able to shift the emphasis to innovation in the choice of topics and policies, to promotion of productive employment and the establishment of clear criteria of competitiveness of enterprises and efficiency of public institutions. We expect and try to get the upper hand in the search for a specific economic effect of consultation, in overcoming the show of disregard for some partners or others, which we see as a manifestation of paternalistic behaviour in the actions of the administration.

We are therefore called upon by developments in our country and also pressured by economic globalization to assume new and added responsibilities, in particular vis-à-vis the ILO instruments and their application in national policies.

We do hope that the employers' organizations in Bulgaria will continue to receive technical cooperation support from the International Labour Office. This implies our ability to share effectively in the activity of international institutions on the basis of respect for the principles contained in international standards.

In this connection, we would like to express our sincere appreciation for the assistance provided by the International Labour Office and its Central and Eastern European Team in Budapest vis-à-vis the reforms implemented in Bulgaria, in social security, labour remuneration, and productivity management.

Mr. KEARNEY *(representative of the International Textile, Garment and Leather Workers' Federation)* — It is surely ironic that just when the world at large is rediscovering the merits of the International Labour Organization, the ILO itself should be so powerless to uphold and enforce the labour standards it has established. It is equally ironic that the less effective the ILO has become in delivering justice to its core client group — workers, increasingly young and increasingly women — the more obvious has become the need for its existence and acceptance of its unique role.

It is thus encouraging that the Director-General in his review of the ILO, standard setting and globalization finally recognizes the necessity of making the Organization more relevant. Relevance is surely the key to the future.

How relevant is the ILO today to the thousands of young women — many less than 16 — stitching shirts for export in Nicaraguan factories, working a standard 13-hour day for 35 cents in plants with locked toilets, without drinking water and where physical punishment is commonplace?

How relevant is the ILO to exploited and abused woman workers in Viet Nam making Nike sports shoes? Recently 56 such women were forced to run twice around their factory's perimeter in the blazing sun as punishment for turning up for work not wearing the company's regulation slippers. Many collapsed and 12 were hospitalized. Another group faced similar punishment for talking during working hours.

How relevant is the ILO to workers making Disney licenced toys in southern China with mandatory 14-15 hours work shifts, seven days a week in unsafe and unhealthy conditions including exposure to chemical poisoning?

How relevant was the ILO to Carmelita Alonzo, a sewing machine operator in the Cavite Export Processing Zone in the Philippines, who died of overwork on 8 March this year — International Women's Day? She and her colleagues were forced to work 14 hours on weekdays, 12 hours on Saturdays and eight hours on Sundays without respite.

How relevant was the ILO to the 98 trade unionists murdered in Colombia last year? These and millions of other workers across the world feel let down. They should be beneficiaries of the globalization process but instead have become victims of unregulated exploitation. And where the ILO should be their champion it is increasingly powerless, unable even to enforce its rulings on core standards.

The recent popularity of Company Codes of Conduct and Social Labelling are a direct reflection of the failure of governments and the ILO alike to hold exploitation in check. No wonder an American commentator recently advised workers and their unions to save time, "forget governments and the ILO" he said, "put your case directly to consumers whose teeth bite much sharper".

Governments which ignore international labour standards and grant exemption from labour legislation in the hope of attracting investment or undercutting competitors impoverish workers, retard their economies and block development. Nor is this approach a safety-belt for retaining investment or employment. Note how jobs are now shifting from economies such as Indonesia and even Bangladesh to Viet Nam and China in search of greater and swifter profits.

The responsibility for making globalization socially beneficial rests with governments. They should begin by ratifying and implementing effectively the Conventions adopted by the ILO and particularly its core Conventions. It is shameful that governments come to Geneva every year, participate in the International Labour Conference, support the adoption of new ILO instruments, then completely ignore their existence. The ILO must contribute to this process by regaining its self-confidence and ambition, by being more aggressive in condemning exploitation and abuse of workers' rights. It must insist more firmly that member States ratify and implement Conventions and it must be merciless in hounding violaters of key Conventions such as those relating to freedom of association and collective bargaining.

In a global economy the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy takes on a new significance. Unfortunately, experience with this mechanism has been particularly frustrating. All recent attempts to use the Declaration have been blocked by an alliance of the

Employers' group and most governments. Attitudes have been determined not by the merits of the cases brought but by a politically motivated decision to block the mechanism in all circumstances and hence have it fall into disuse. The current ineffectiveness of the Declaration is highly damaging to the credibility of the ILO. The Tripartite Declaration must be urgently reactivated and promoted.

There exist, however, considerable doubts whether the ILO, relying solely on persuasion, can really be effective. If the exploitation accompanying the globalization process continues unabated, pressure for other remedies will grow. Perhaps the impact of such remedies, which necessarily may be protectionist in nature, will force member States to recognize that the ILO must be given real teeth to restore its bite and recover the multilateral initiative. Linking the protection of workers' rights to trade — an issue that is not going to go away — would provide such teeth.

Across the world the general public is rejecting unbridled globalization. The time is right for change. The ILO must grasp the opportunity to saddle economic advance to social progress. If it fails, exploited workers everywhere, such as those in the textiles, garment and shoe industries will surely be forgiven if their eyes simply glaze over at the mention of the words "International Labour Organization".

Mr. GRAY *(Workers' delegate, United States)* — I would like to express my appreciation for the chance to share with the many governments, workers' and employers' organizations that are taking part in this Conference, the perspective of the American labour movement, the American Federation of Labor-Congress of Industrial Organizations, on the challenges as well as the opportunities facing the ILO today.

This year the ILO Conference is meeting at a crossroads. The time has come where it must make a decision of equal importance to the challenge confronting it now. The question is will the ILO move forward in its promise to advance social justice and dignity for the world's workers, or will it hesitate?

It is clear that the global market is no longer an aspiration, or even a point of contention, but a here and now reality. The global economy frames tremendous new opportunities and it poses the most important historic challenges of our time. It is not whether we make the watershed transition to a global economy, but how we make it. And here at the ILO it is not whether we are internationalists, but what values our internationalism serves.

For the American labour movement, raising living standards around the world has been and will continue to be central to our mission, and through the years we have worked to increase trade and aid, seeking to spread the blessings of democracy and prosperity. Yet the fundamental human labour rights, the ILO's core Conventions, the keys to ensuring sustainable and economic progress, continue to be denied, sometimes brutally in all too many countries.

Many governments have by now come to recognize both the opportunities and challenges of the global economy, and have committed themselves to the principle that economic globalization must go hand in hand with social progress. Simply put, it is the fundamental respect and values of human dignity that underpin any, I repeat any, sustainable advancement.

That commitment was made clear to the UN World Summit for Social Development two years ago. An unprecedented number of governments, in confirming the worldwide goal of full employment, agreed that there must be respect for the core ILO Conventions on freedom of association, the right to organize and bargain collectively, the prohibition of forced and child labour, and the principle of non-discrimination.

And that commitment was reiterated late last year at the first Ministerial Meeting of the World Trade Organization. While not as strong a pledge as it should have been, some governments and employers have since implied that the issue of any linkage between trade and fundamental human labour rights is closed. My brothers and sisters, this issue, like a book, is not closed, only a new chapter has been opened.

The challenge facing this Conference of the ILO is clear. Following the WTO Ministerial Meeting, the ball is now in the ILO's court. The decisions of this Conference will affect the ILO's credibility and effectiveness for a long time to come. The Director-General's Report importantly underscores that all partners in the multilateral trade system must ensure that the fundamental rights of workers are respected, and with two apologies to the interpreters, I would like to digress from my prepared text for just a moment to congratulate most sincerely the Director-General for having the courage and the conviction to address a political and emotionally-driven issue. I think his Report is an excellent one and it should at least engender a serious discussion. It merits that. It does not merit anything that smacks of hysteria or deserve any kind of distortion.

That is why it is vital for the Conference that this session should now agree to commit to new mechanisms which will strengthen the ILO's ability to effectively supervise all governments on their respect for the relevant Conventions, regardless of whether they have been ratified or not.

To hesitate at this juncture would only weaken or do worse to the ILO's purpose and credibility as well as to that of the whole multilateral system. All governments and employers need to recognize this, as far too much is at stake. We must together develop the consensus to move forward with conviction.

The global economy requires a new progressive internationalism, an internationalism dedicated to making the economy work for working people. For example, we need to elevate the rights of workers to at least the same importance as the protection of property in trade agreements, in the World Bank and International Monetary Fund conditionality, in the World Trade Organization's trade regulations.

All of our experience shows that allowing those who produce the wealth to share in it is essential to lasting democracy, social justice and unlocking the potential for human advancement. And that same experience shows that the most effective way to achieve that is to guarantee workers' basic rights.

We say in the United States labour movement, America needs a raise. Indeed the whole world needs a raise, and not just in wages and benefits for workers, but in basic respect for workers and the work that they do.

Original Portuguese: Mr. PEREIRA MONTOYA *(Employers' delegate, Portugal)* — First of all, Madam President, may I congratulate you on your election to this important function and wish you great success.

The ILO, standard setting and globalization constitutes a theme of general importance as proposed by the Director-General of the ILO.

As shown in the first paragraph on page one of the Report, this was the first one for 13 years on ILO action, since when "the economic, political and social environment has undergone a change of a magnitude that is probably unprecedented in the ILO's history". At the beginning we were able to note that in the past few years there has been a very great increase in competition between countries, economies and enterprises, which resulted in major reforms of economic activity at the national level and even in certain zones of the world.

For example, throughout the European Union, and particularly in Portugal, it has been very evidently necessary to transfer human and financial resources from declining economic sectors, because of their lack of competitiveness compared to other countries, and towards new sectors which have mushroomed over the same period. This takes for granted that sufficiently flexible legal frameworks exist, which would allow enterprises to give an effective and timely response to industrial changes.

The same phenomenon of increasing competition shows clearly particularly in the more economically and socially developed countries European Economic Area — the need to adopt measures which will lead to the reduction of non-wage labour costs; as a means to increase enterprises' competitiveness and employment, as well as the need to proceed with fundamental reforms in social security.

These two examples seem to show the fact that the social and economic reality today demands that a standard-setting position which is open to change must be taken up, otherwise standards will be completely inadequate and inappropriate to the needs felt at every moment. It is therefore natural that questions are now being asked about the adaptations that it will be necessary to carry out within the framework of the International Labour Organization in order to answer to the realities of economic globalization.

The Director-General's Report gives several suggestions on directions that could be taken on the problematics of standard setting, in particular the following: the introduction of new and topical themes as subjects for ILO standard-setting activities; the reinforcement of follow-up work on the implementation of Recommendations; an appreciation of the number of ratifications and the degree of implementation of Conventions; the rationalization of instruments of the ILO; and the role that Recommendations can play in the standard-setting action of the ILO.

In my intervention I shall concentrate essentially on the last three main aspects mentioned above, namely the ratification and implementation of Conventions, the rationalization of ILO instruments, and the role of Recommendations, which are the themes on which employers have insisted for some years now.

With regard to the first aspect, I cannot prevent myself from paraphrasing page 50, where the Director-General talks about "The ease with which the Conference opts to adopt instruments in the form of a Convention may be primarily attributed to the fact that many governments are prepared to vote for a Convention without seriously envisaging pressing for its ratification by the competent authorities."

Indeed, it is not desirable that the International Labour Conference continues to approve certain Conventions very often against an unfavourable and realistic vote from the employers, and realistics, when they know very well a substantial number of countries defend the adoption and approval of standards which are too demanding, while the same countries, in the final analysis do not bother about ratifying such Conventions. Or, worse still, they ratify them but then do not fulfil the obligations that ratification implies.

Still within the framework of this problematic, it seems impossible for the ILO to postpone making greater use of the machinery it already possesses, with respect to monitoring the implementation of ratified Conventions and following through the evolution of this problematic, so as to ensure that the rights emerging from the Conference should effectively produce laws which are real and will come into force.

A second aspect to remember concerns the need for a new analysis of the foundations of the legal instruments so far produced within the ILO's framework some of which have fallen into disuse, having finished their useful life, because they have been overtaken by reality and by social, economic and political dangers experienced over the past few decades. You have to be realistic and to abrogate Conventions and Recommendations which no longer have any effective use in the framework of the ILO objectives. In reality, just as has happened for Recommendations that have fallen into disuse, the Conventions are also prone to call the ILO's legal credit into question.

For the third aspect it is important to underline the role that Recommendations can play in the framework of the ILO, and I must mention my concern about the analysis presented in the report with regard to the progressive reduction in the adoption of autonomous Recommendations, that is to say ones which do not accompany a Convention, and we are concerned about this. This is referred to in the last paragraph on page 49 of the Report in the English version.

Indeed, of the Recommendations adopted by the Conference between 1985 and 1996, not one of them was autonomous, whereas from 1951 to 1970 about 55 per cent of Recommendations were. The dynamic action of the ILO would have everything to gain from reversing in that trend.

In closing, I would also like to draw your attention to an aspect which is becoming more widespread, particularly in the European Union, at least as an indisputable trend, namely that prior to any presentation of a legislative initiative being made, there has to be a study on the economic impact which the initiative might have, particularly on the competitiveness of enterprises and thus on employment. The ILO must also introduce such practice into its methods of action, so that its standard-setting activities can be compatible with reality.

To conclude, it is imperative that the ILO should use the means at its disposal as judiciously as possible, rationalizing the existing instruments (that is, in abrogating those which are outdated, if that is the case). In sharpening the supervisory machinery on the implementation of Conventions, and giving greater weight to Recommendations and autonomous Recommendations in particular, in the intervention of the ILO to promote progress, freedom and social peace.

Original French: Mr. MBILA *(Minister of Labour, Cameroon)* — Mr. President, allow me first of all to congratulate you on your election to the presidency of this important assembly, as well as the other Officers.

We would like to congratulate the Director-General of the ILO for his Report which has enabled us today, in this tripartite gathering, to hear your views on the new orientation of the world economy. Paragraph III(a) of the Declaration of Philadelphia proclaims the Organization's commitment to furthering programmes which will achieve full employment and the raising of standards of living, along with the extension of social security measures.

The role of the ILO through its standard-setting activities is clearly defined here and we can but support the ILO team, which has done an excellent job. Allow me to make a few observations. The majority of Third World countries were unknown at the time of the Declaration of Philadelphia, and their problems could therefore not have been appreciated. This Universal Declaration, however is still very relevant, which is why the Director-General's Report paves the way for a very exciting discussion. The countries of the third world are still struggling for survival.

Unless we are mistaken, poverty is gaining ground even in developed countries. In our countries, where most of the population is looking for a first job right up to requirement age, unemployment can not be construed in the same way from one country to another. Aid is fully appreciated in all areas, and we would like to take this opportunity to thank all those countries which have given life to those who would otherwise have disappeared. The transfer of technology was successful initially, but unfortunately has not managed to influence significantly the situation in the majority of our countries. Scientific progress nowadays is so rapid that all segments of the population in the developed countries are liable to find themselves quite unprepared. So, you can imagine the panic that this creates in developing countries.

The globalization of the economy has already started in air and maritime transport, telecommunications, etc. Multinationals will no doubt not have any problems with this, which will just extend their borders even further. We wonder whether a tripartism was in the forefront of these changes.

Social justice should be achieved within each State. Globalization encourages comparisons between workers in the same industrial group or trade throughout the world. Here trade unions should extend their sphere of action, and we hope that as a result wage inequalities will be removed. Will the globalization of the economy attain this objective in the long term? We think it will. All it takes is a minimum of good will.

Updating standards seems to be indispensable in view of the rapid changes that are taking place. We agree with the Director-General of the ILO that globalization is probably an unparalleled potential source of peace and progress. But it cannot be left to its own devices, as it were. It has already begun, and we shall have to adapt. That is why developing countries, crushed by their debt burden and afflicted by all kinds of disasters, place their confidence in the ILO which uses a tripartite approach in its work.

The introduction of globalization should take into account the possible role of the Third World. Present inequalities are a fact. In the face of such unfettered competition, the basic values of the ILO need to be safeguarded, especially social justice.

The social clause is controversial. It could stem from a desire to protect future interests, and it could also risk excluding certain products in the world. We are in favour of protecting children and promoting their training, which should be a priority everywhere. Our best legacy to future generations is the health and education of our youth.

A number of developed countries today have known for centuries how to organize themselves. We would like to pay tribute to the Marshall Plan of the postwar era that relaunched a war- shattered economy. To enable developing countries to prepare for fuller participation in globalization, we feel that a Marshall-style plan would be beneficial for our fragile economies. As you can imagine, if our crushing debt burden were to disappear in one fell swoop, social problems would find miraculous solutions, and economic recovery would be guaranteed. This is one weapon against poverty that is worth trying.

Our countries are responsible for their future. We are well aware of that. International solidarity will bind together the liberalization of trade and the objectives of the ILO.

Mr. MALLIA MILANES *(Employers' delegate, Malta)* — The underlying message in this year's Report by the Director-General focuses on the need to ensure that the benefits of trade liberalization should be reflected in improved workers' rights. To attain this goal, the ILO's standards policy must be responsive to the requirements of the modern economy. International labour conventions need to be adopted to the requirements of today and in particular, to the ILO's essential priority, which is the creation of productive employment. There is, therefore, a dire need for a new standards policy aimed at strengthening the efficiency of the ILO in the field of fundamental human rights and at modernising instruments — which more often than not are too rigid to be universally applicable or hamper economic growth.

New standards must be judiciously selected and subjected to the test of "subsidiarity" in the sense that new Conventions should only be launched if it is absolutely clear that this is the only, or best, solution. In this context, we oppose any suggestion of drawing up a universal code of labour law. The ILO should recognize the sovereign right of nations to enact laws which reflect their national conditions and stage of economic development.

We, as employers, favour the adoption of a solemn declaration by the Conference, incorporating a set of principles of fundamental rights which are already recognized by the Constitution and contained in the ILO's fundamental Conventions. At the same time, the programme of revising, where necessary, Conventions in force should proceed apace. It is imperative that all Conventions should be adopted to new conditions.

Turning now to Recommendations, we should stop considering them solely as a supplement to Conventions. Because they are flexible by nature, Recommendations are assuming greater relevance and importance. We should move away from the erroneous position we have held for so many years — that standards are synonymous with Conventions.

The present practice of sending questionnaires to member States to prepare for the work of the Conference is not conducive to attaining the Organization's objective. This system all too often fails to reflect the differences and difficulties that invariably arise during the stage when solutions are being discussed or proposed, which are likely to lead to an acceptable consensus. A better way would be to hold consultations with group secretariats to identify and address the many problems which are bound to arise.

The new standards policy which is being proposed, imposes on each one of us a new approach with a new frame of mind. Government representatives should refrain from voting for a Convention if they do not expect it to be ratified by their own Government. The present ludicrous system of playing for the gallery should be stopped. A positive vote should amount to a commitment to ratify.

The ILO needs to look deeply into the conditions under which Conventions may be denounced. The present system is too restrictive. Denunciation of Conventions should be made easier. This would help governments commit themselves to ratify Conventions. Over the years, new Conventions have been attracting less and less ratifications. We need to ask ourselves why.

We, as employers, fully support the introduction of a mechanism whereby Conventions, which are no longer relevant, may be abrogated.

In concluding, let me emphasize that globalization is today's reality. Globalization means competition for trade and jobs. Globalization has cast aside the debate between the North and South. Globalization has brought to an end the confrontation of ideology between state economy and market economy. Only a market economy creates wealth and prosperity. The ILO's standards policy cannot remain indifferent to this development. The writing is on the wall for everyone to see. What remains to emerge is the political will to cross the thorny path from words to action.

Original Spanish: Mr. GARZON *(Workers' delegate, Colombia)* — On behalf of the Workers' delegations, I would like to express my congratulations to the President on her well-deserved election to the post.

It has been a source of constant concern to us that, in the name of unity, governments and employers have time and again insisted that the ILO should substantially modify its structures, policies and practices with a view to ending tripartism and turning this Organization into a mere advisory body.

For this reason Colombian workers are very pleased to draw attention to the Report of the Director-General which we consider to be timely and bold in its initiatives and approach. How can we fail to consider timely a Report which is based on a complex and dramatic diagnosis of a social situation which shows that so-called globalization of the economy has had serious repercussions on the quality of life of workers throughout the world.

The data provided by the specialized bodies of the United Nations are telling in this respect. Per capita income of more than 100 countries is lower than it was 15 years ago. Three-fifths of the human race live in poverty and the net assets of the 358 wealthiest persons in the world are equal to the income of 2,300 million people, or 45 per cent of the human race. In 1994, 35,000 children died daily from illness and malnutrition. There are 100 million street children 40 million of whom are in Latin America, 25 million in Asia and 10 million in Africa.

Today, the unemployment rate in Latin America is the highest it has been in the last 20 years. Since it is a region rich in natural resources, as in the case of Colombia — the fourth largest banana producer in the world, second largest producer of flowers, the largest in emeralds, 16th in oil, sixth in coal, the fifth in water resources and exporters of ferronickel.

Nevertheless, 53 per cent of the population live in poverty, 17 per cent of whom live in absolute poverty; 20 per cent of the population suffer from acute malnutrition, 43 per cent have no access to health care, 50 per cent have no drinking water, 42 per cent are without sewerage systems and 15,000 children live in the streets. Unemployment stands at 12.7 per cent but 56 per cent of the population is underemployed or working in the informal economy.

It is rather contradictory that governments and employers of developing countries call into question, object to and criticize the Director-General's Report when precisely they should be able to appreciate the boldness with which he has presented alternatives, to establish a social supervisory mechanism from the ILO aimed at protecting those very same developing countries as confirmed by the impact of the current model on these countries. Without endorsing the claims of the developed countries, their position may very well appear more logical, but this is not the case with the developing countries.

We do not hesitate to endorse the proposals made by the Director-General. Over the last six years we have noted the need to add a social dimension to regional integration processes. In the case of the Andean region, it has not been worthy of attention from the governments and employers. We have placed great expectations on the World Summit for Social Development because of the various initiatives taken. Even now, when it was clearly established at the Singapore meeting of the WTO that the ILO is the competent body to establish and deal with standards regulating labour rights, it is vital to recognize that, at the international level and through various interpretations, attempts are being made to postpone or snuff at efforts to set standards, to regulate or control the process of trade liberalization as it relates to social guarantees.

In this context, we feel that the suggestion, made by the Director-General, of a periodic report on social progress in the world to be followed by a tripartite discussion to facilitate systematic evaluation is a good one. However, we shall also add the need for a certain amount of pressure to be exerted through Recommendations obliging governments to assume commitments, in order to overcome this social situation, as opposed to what now happens with the failure to ratify Conventions, or through declarations, the avoidance of responsibility for compliance.

For this reason, the so-called social label is relevant, but I hasten to warn that it should not become a tool of protectionist manipulation or of political interference by powerful States, to the detriment of weaker States. Nevertheless, this argument cannot justify the paranoia of many governments which try to avoid making commitments on compliance with agreements.

If the Conventions, especially the core Conventions, are observed, there is no need for any form of supervision. In other words he who owes nothing, fears nothing.

People are not only victims of the social and economic effects of unbridled trade liberalization, but also of the effects of political violence. This has materialized in Colombia in the internal displacement of a million persons, 10 per cent of the population have had to leave the country, 2,300 trade unionists have been killed in ten years, with a 99.5 per cent rate of impunity, plus the constant death threats against trade unionists, restrictions on the part of successive Colombian governments on political and trade union freedoms recognized by the ILO, and the absurd application to trade union action of a justice system which uses the pretext of combating drug trafficking and guerrilla movements to criminalize and penalize social protest. We are nevertheless optimistic that in the immediate future, after this meeting, positive measures will be adopted to reduce the sufferings of workers throughout the world and in Colombia in particular.

Original Spanish: Mr. GONZALEZ RODRIGUEZ *(Employers' delegate, Cuba)* — We wish first of all to express our congratulations to the President on her election and to wish her success in her work. The Director-General's Report entitled *The ILO, standard setting and globalization* raises enumerable ideas aimed at increasing the role of the ILO in the standard-setting field to meet the challenges of today's world.

The employers' group from Cuba supports the upgrading of these standards and their monitoring within a context in which due respect is given to the various levels of economic development and the will of countries to their own self-determination.

The changes which have been suggested must protect the developing countries from all kinds of protectionism, and at the same time the rich countries must collaborate in ways to ensure the eradication of the causes of unemployment, low standards of living and poverty. Economic development is inconceivable if it does not play its role in raising people's standards of living.

We, the Cuban employers, have been subjected for more than 35 years to a cruel blockade which has prevented us from having access to many sources of financing, has limited foreign investments in our country and has raised obstacles to our trade. Therefore we believe that on the threshold of the third millennium it is imperative to put an end to these prehistoric practices by those who, given their power, do not heed international protests.

How can we struggle against poverty, unemployment and social rights when faced with such practices. The ILO must condemn such conduct.

What concerns us about the Report of the Director-General is not the defence of the appropriate implementation of international labour standards, which is only legitimate and fair and which is advocated in the Declaration of Philadelphia, but the interference in the affairs of individual countries. It is up to each State to carry out inspection in the labour field. To condition the market and trade by international labour standards is a new form of protectionism by the powerful, by the developed countries against our peoples, against our entrepreneurial activities.

We share the view expressed here by many delegates that the focus of the Report goes beyond the Singapore mandate which rejected the linkage of international labour standards to trade.

Finally, the Cuban employers would like to stress our disagreement with the social label and to warn of possible negative repercussions on developing countries.

We should all work together, united, in order to guarantee the basic rights of workers, but we must be aware that in conjunction with standard-setting activities and their monitoring this will only be possible once we eliminate the true causes, and it is to achieve this goal that the ILO should dedicate all its efforts.

Mr. HRDINA *(Employers' adviser, Slovakia)* — It is a great honour for me, on behalf of the Federation of Employers' Unions and Associations of the Slovak Republic, to have the opportunity to take the floor at the 85th Session of the International Labour Conference.

Allow me to briefly introduce our Employers' Federation. It is an employers' organization, which consists of 35 employers' and entrepreneurs' unions. This association enjoys legal status and was established in 1991 to create favourable conditions for the dynamic development of entrepreneurship in the Slovak Republic. It also seeks to protect and enforce the common interests of employers and entrepreneurs and the business interests of its members in tripartite negotiations of the Council of Economic and Social Agreement of the Slovak Republic with the central apparatus of the civil service, and with trade union members on issues of economic and social policy, and those relating to collective bargaining, the General Agreement, among others.

It liaises with the Parliament, Government, civil service and local governments, trade unions and international organizations such as IOE, ILO (UNICE, ICIE) and engages in public relations promotion abroad. Membership is voluntary, and any organization that deals with employers' issues, employs representatives who are officially recognized and competent to conclude collective agreements may become a member of the Federation. The Council was inspired by the former CSFR model of 1990. The Council consists of 21 members, each party having an equal number of representatives of the Slovak Government, trade unions and the Employers' Federation. It is headed by the Deputy Prime Minister and the two vice-presidents represent the trade unions and the employers, respectively. A fundamental framework agreement on social dialogue is expected to be signed soon by these three parties to social dialogue who are bound by an unwritten agreement to meet regularly in order to discuss and solve the most urgent issues of social dialogue.

Allow me, on behalf of the Slovak Federation of Employers, to express my warm greetings and wish that the Conference will be successful and will attain all the goals, ambitions and efforts of the International Labour Organization, which we also want to enforce and support.

Original French: Mr. DJIDDA *(Minister of Public Service and Labour, Chad)* — It is for me both an honour and a pleasure to take part in the 85th Session of the International Labour Conference, and I would like to take this opportunity on behalf of my delegation, and in my personal capacity, to associate myself with those distinguished delegates who have preceded me here on the speakers' rostrum in congratulating the President on her brilliant election to the presidency of this Conference. This election is a reflection of the confidence and the trust which the participants at this session of the Conference have in her, in the light of her skills and her wealth of experience. My congratulations are also offered to the other Officers on their competence.

I take this opportunity to express my satisfaction on the appropriateness of the theme of the Report of the Director-General of the International Labour Organization which is before us. This Report is most timely in the light of the difficulties facing the majority of our countries, and which initially might lead us to think erroneously that the present economic and social context renders inoperative the international labour standards.

Do we need to recall that liberalization of trade for the developing countries in general and, more particularly, for my country, Chad, involves certain risks for workers because of the constraints which it imposes? We wonder about the future of our texts, and what we can do to maintain social peace. When we recognize the importance of the application of international labour standards we recognize that they, far from being an obstacle, have made it possible for my Government to maintain social peace by favouring dialogue with the social partners. Thanks to the effectiveness of this instrument, Chad has proceeded to reform its labour legislation and strengthen the mechanism of consultation and social dialogue. Moreover, it has also looked at the ways and means to make more effective the application of the Convention on discrimination, particularly in relation to employment and professional trade. One major concern is the fight against poverty by emphasizing standard-setting activities through the development of activities which generate employment. These activities have been effective because of the democracy which now prevails in my country. After the presidential and legislative elections, the concern of the current leaders was to lay special emphasis on economic development based on trade liberalization and social progress. This has actually been advocated by the International Labour Organization in the selection of new standards and it is in this context that Chad intends to apply the appropriate recommendations which will be based on the present Report.

Chad is convinced that ILO standards will make it possible to effectively attain the objectives and values which are enshrined in its Constitution and in the Philadelphia Declaration, that is to say, dignity of the individual and an affirmation and recognition of this dignity both at work and through work, in the recognition that work is not a commodity. It is along these lines that the Government of Chad is reacting against the increasing number of children on the labour market. The Government is translating into action the Convention relating to the rights of the child and, to this end, a two-pronged sectoral programme has been developed to improve the living conditions of women and children particularly in the poorest and most disadvantaged strata of the population. This is an urban programme for children who find themselves in particularly difficult situations. Project No. 1 is on the urban development for the city of N'Djaména, and the second project concerns training and reinsertion of children in particularly difficult situations. This programme has the support of UNICEF and my Government would like to call on the International Labour Office and the International Programme for the Elimination of Child Labour (IPEC) to contribute to ensuring that we are more efficient and more successful in this sphere.

In conclusion, I must reiterate the readiness and willingness of my Government to contribute to the improvement of the normative and standard-setting activities while, at the same time, asking for technical assistance in the area of standards and in the elaboration of a national employment policy.

Mr. HOSKINS *(representative of the International Social Security Association)* — Last year, when I had the privilege to address this distinguished body on behalf of the International Social Security Association, I drew your attention to the growing worldwide debate on the future of national social security systems both in industrialized countries and in the developing societies of the world. This debate has focused particularly on old-age pensions because the countries of the world are adapting to rapidly ageing populations.

At that time I expressed concern about this debate because in fact it is a debate which is becoming more confused rather than becoming more rational. This debate has been taking on more ideological overtones and has begun to resemble a struggle between free market advocates and those supporting a more active role for the public sector. In this environment, rational discussion about the advantages or disadvantages of different pension and social security arrangements is in fact, and unfortunately, becoming much more difficult.

What then has the International Social Security Association decided to do in the face of this rapidly rising tide of doubts about the future of our public social security systems and pension programmes? The answer which has been put forward by our some 300 organizations in 135 countries is that we need a new consensus about the future of social security. We need a more complete understanding of the range of acceptable approaches for balancing economic and social policies. We need to have a better understanding of why certain models of social security have worked well in some countries but have not worked very well in others. We need to cut through the political rhetoric and the ideological posturing to examine in a much more objective and neutral way what works and what does not work.

We have also developed a very strong conviction within the International Social Security Association that we need to bring people together to sit at the same table who do not often speak to each other about social security issues. I am referring to those persons who are concerned primarily with national economic performance who do not have much contact with those persons who are concerned primarily with social protection issues. We need to reach out to the experts in the international financial organizations, such as the World Bank and the International Monetary Fund who for the moment are primarily concerned with promoting macroeconomic development. The leadership of the International Social Security Association is convinced that our Association is uniquely situated to serve as a catalyst for this kind of effort and it is for that very reason that the ILO created the ISSA some 70 years ago.

Let me insert one word of caution, at this point because this search for a consensus is not a search for a unique model of social security. We recognize from the very outset that there are going to be very many different models to ensure adequate social protection. So what are we doing with this initiative? I will give you a few examples. We have compiled a list of the world's best experts on social security and economic issues and we have given them a set of questions to answer and the answers to those questions are now coming forward. We asked them such questions as: How much should workers get back from their contributions? What is the interrelationship between social security arrangements and the labour market? What is the interrelationship between international competition and globalization and the level of social security expenses? What are the advantages and disadvantages of public pension programmes? What are the strengths and weaknesses of private pension systems? How can governments ensure that both public and private pension systems actually pay the benefits which were promised to the workers?

The answers to these kinds of questions are now coming forward and I want to assure you that we will be informing you of those answers through our publications and through our activities. But most of all we want to get the messages and the answers out to people who are not social security specialists, because social security is not an issue just for social security specialists, it is an issue also for all citizens and the purpose of this initiative is to provide the stakeholders in society with the information which will allow them to make useful and informative judgements.

We anticipate that our colleagues at the ILO will provide their unique perspective to this initiative and I am convinced that this initiative will represent not only an important contribution to the debate on the future of social security but it will also be a very good example of how international organizations can cooperate together to clarify issues affecting all the countries who are Members of the ILO. I look forward to bringing you more news on this important initiative at the next session of the International Labour Conference.

Original Portuguese: Mr. LANÇA *(Workers' delegate, Portugal)* — The Portuguese workers highly praise the ILO's standard-setting role, particularly the set of relevant standards which today constitute an important reference for the rights attained by a large number of workers throughout the world. It is indispensable to extend that set of standards to a larger group of countries, namely the more industrialized ones, for we cannot see the reason why many of these countries still have not ratified some of the ILO's most important Conventions.

We therefore support the adoption of a declaration which will progressively create the conditions so that all ILO member States, regardless of having ratified or not the appropriate Conventions, abide by the principles of the ILO's core Conventions concerning freedom of association, collective bargaining, prohibition of forced labour, non-discrimination, minimum age for employment and trade union organization at the workplace.

The Portuguese workers also consider it important to guarantee that the World Trade Organization applies a set of standards based on the ILO's most relevant standards in order to guarantee a profound change in the framework of worldwide economic, social and political relations, so that the workers can participate as much as possible in the benefits arising from the development of international trade and the globalization of economies, countries, regions and companies.

Experience has shown that it is not enough to define standards and ensure that they are ratified by most countries. The most important thing is to strengthen the control mechanisms and actions that contribute to the enforcement of those standards in order to lead to their practical application by governments and companies and their incorporation into their policies and strategies and into the everyday practices of State and employer bodies, at both the national and international levels.

It is therefore particularly relevant to state that all workers from a given country, and not only those producing for the international market, should equitably reap the fruits of globalization and that those policies, far from being utopian or impossible, can be implemented through transparency and dialogue. Without them, globalization will inevitably be perceived as a threat to the conditions of workers.

It is also relevant to underline that it has been acknowledged as indispensable to review the workings of international enterprises in order to achieve the goal of full employment given the situation of unemployment and growing poverty in large sectors of the population, especially in the more developed countries, thus making it imperative for policies of economic growth to incorporate public and private investment to make them productive and generators of employment.

The same is happening at the European level. If the focus continues to be exclusively on single currency markets, we will not be able to guarantee the sustainable development which is so necessary if we want to guarantee jobs in view of the unprecedented massive unemployment we are currently experiencing. Social cohesion is absolutely fundamental, considering the inequalities which are increasing day by day. The building of Europe should be reviewed in order to meet social requirements and, more particularly, employment needs. The democratic functioning and decision-making of its institutions should be strengthened. Europe must also lay the groundwork for a broader implementation of its employment strategy and enable its institutions to go beyond simple coordination and to actively promote employment policies.

Respect for ILO standards is the best way of ensuring respect for the fundamental human rights which are violated in so many countries. There are numerous examples to illustrate this point, one being that of the people of East Timor and the continued detention of the trade union leader Muchtar Packpahan, whose release we demand from this platform.

Mr. HAGHBAYAN *(Employers' delegate, Islamic Republic of Iran)* — In the Name of God, the Compassionate, the Merciful! I would like to congratulate you for being appointed as the President of the 85th Session of the International Labour Conference.

I am eager to share with you some thoughts on the ILO Director-General's viewpoint on fundamental rights contained in his Report and discussed at so many official and unofficial meetings. Even the employers' groups have submitted their ideas on the matter to their respective chairpersons within the Committees. However, more time will be needed in the future to analyse the replies of the member States to the Director-General's Report. Meanwhile in accordance with section 131 of the new Labour Code of the Islamic Republic of Iran, all workers and employers covered by this Code have the right to improve their economic situation, to establish and take part in their own associations.

Moreover, employers' associations have taken some effective steps towards the establishment of the Employers' Confederation in the Islamic Republic of Iran.

Last year, the participation of the Iranian delegation at the International Labour Conference taught us many valuable experiences which were useful in the establishment of the Confederation in Iran. Fortunately, as a result of some necessary measures and the adjustment of sections 3, 4 and 5 of the Labour Code, the Employers' Confederation in Iran is going to be established — and its governing body and Constitution set up.

It is important to mention that there is still a need for the ILO's assistance as well as expertise in order to have a better employers' confederation in the Islamic Republic of Iran.

We are confident that with the help of the ILO, the achievement of the objectives laid down in the Constitution of the confederation are not out of reach.

Furthermore, about two months' ago, an expert delegation from the ILO paid a visit to Tehran. During their stay meetings were held which highlighted useful information for employers and made us more familiar with the ILO system.

However, it is hoped that this kind of assistance will continue and the information obtained will serve to solve the problems of employers.

(The Conference adjourned at 6.30 p.m.)

Fourteenth sitting

Saturday, 14 June 1997, 10 a.m.

President: Mr. Khalil

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original Arabic: The PRESIDENT (Mr. KHALIL) — In the Name of God, the Merciful, the Compassionate! We shall now resume our discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Mr. SALIMIAN *(Workers' delegate, Islamic Republic of Iran)* — Proud of representing the workers of the Islamic Republic of Iran, I wish to express my views, as well as the views of my colleagues and the workers' organization of my country, concerning the Report of the Director-General to the 85th Session of the International Labour Conference. I hope that this session of the Conference will be able to set specific and concrete guidelines to create a favourable environment suitable for the world of work.

First of all, I would like to extend my warm and sincere congratulations to the President on her election to preside over the 85th Session of the International Labour Conference. I would also like to congratulate Mr. Hansenne and all his staff on the work which they have accomplished over the past year.

The theme of the Director-General's Report is *The ILO, standard setting and globalization* which is a vast one, and as it would not be possible to cover each area within this limited period of time I will restrict my observations to only a few of them which are of critical interest to us.

In Islam, work is not only honourable but is also worshipped. The Holy Prophet Mohammed, Peace be Upon Him, said, "Try your best to earn for yourself and your family honestly, since such an effort has, in the eyes of God, a rank equal to jihad." In relation to employers' and workers' relations the Holy Prophet, Peace be Upon Him, said to his companions that, "Your employees are your brothers whom God has made your subordinates, so he who has his brother under him, let him feed him with what he feeds himself, and clothe him with what he clothes himself, and not burden him with what overpowers him."

The Constitution of the ILO and the Declaration of Philadelphia ensure the dignity of human beings at work and through work; in other words, it solemnly affirms the principle that labour is not a commodity.

Globalization raises problems which affect the concept of social justice. It destroys the principle of equal remuneration for work of equal value. The Director-General has admitted in the Report that globalization destroys this framework by placing greater emphasis on comparison between workers in the same trade or industrial groups and not only within the same country. The OECD has insisted on the need to heed the social dimensions of globalization, particularly the discrepancies in wages which were tending to increase far too much and risked undermining social ability. Recently, Ministers from 29 OECD countries issued a united message regarding the economic benefits of global trade but acknowledged that they had to work hard to sell globalization to the public. The communiqué said that the challenge for governments was to pursue policies whereby the benefits of globalization are fully realized and widely shared by all the groups. The OECD has admitted that the gaps between the "haves" and the "have nots" within some member countries may have widened.

We know that the logic of economic globalization is that the dollar should prevail over all else, which is not compatible with equality. It is for this reason that governments must be warned so that they are not misled by empty and crisis-waging slogans. Through their timely intervention and the participation of the other social partners (workers' and employers') they will be able to create equitable opportunities for all groups of society.

The main objective of standard setting is to create an environment favouring development and technical projects which lay the foundation for the application of standards. We believe that having fine theories, principles and ratifications of international Conventions is not sufficient. There must also be application in practice, by bringing labour codes into line with the Conventions.

There is no empirical evidence to support the view that there is a link between liberalization and labour standards. The thesis that low wages in developing countries are responsible for the loss of jobs and low wages in developed countries has been refuted by many authoritative analysts, including ILO and IMF experts.

The promotion of the concept of social labelling would foster protectionism so we believe that the ILO should play a more active role in helping workers as well as countries to protect themselves against protectionist measures.

We extend our full support and solidarity to the Palestinian workers in the occupied territories and the workers of southern Lebanon in their struggle against the Zionist regime.

To conclude, I would like to mention that the Iranian nation's unprecedented participation in the seventh presidential election was an historic event. The people's vote for the President was another vote of confidence in the Islamic system, the leadership and the revolution and is a sign of the alertness of the people and their involvement in decisions concerning their future. We hope that the President will leave no stone unturned in solving the pending labour problems.

Original Arabic: Mr. BEKHEET *(Employers' adviser, Egypt)* — In the Name of God, the Merciful, the Compassionate! It gives me pleasure, on behalf of the Federation of Egyptian Industries, to congratulate the President on her election to preside over the 85th Session of the International Labour Conference.

Most countries of the world are, in one way or another, facing a difficult economic situation; they are suffering from insufficient economic growth, high unemployment and alarming deficits in their balance of payments and budgets.

This situation is often accompanied by harsh austerity measures. At the same time inflation is increasing at unprecedented rates in many countries; some countries have been able to control inflation, but that does not mean that they are immune to inflationary pressures. We also note that the economic environment is characterized by instability; this instability has an important effect, especially when it coincides with economic globalization which acts upon all countries, and is attributed mainly to liberalization, which led to an increase in the exchange of goods, services, and capital flows. Among the adverse effects we would mention is the increasingly fierce international competition which has accompanied the access of a number of countries to international markets. This led many countries to adopt harsh structural adjustment programmes, which necessitated assistance from international organizations and acceptance of harsh conditionalities. Among the effects of economic globalization is the predominant role played by multinationals.

In this forum, we are discussing the Report of the Director-General entitled *The ILO, standard setting and globalization*. Allow me to observe that economic globalization, and the social pressures that have accompanied it, is not the only element to be accounted for. There are other variables that also influence the economic picture: the conventional production methods known as Taylorism or Fordism, that are based on the production by semi-skilled workers of large quantities of standardized goods, have been replaced by a system which we call flexible specialization. This is characterized by great adaptability and more varied production. The new technologies and the development of micro-electronics have had specific social effects, for example the spreading of different forms of subcontracting work.

To this we add another phenomenon, the growing diversity of the labour market, translated in the appearance of new forms of labour relationships like temporary work, subcontracting and part-time work, which are often more precarious forms than the traditional ones. It translates also into the lack of interest of different partners, be they new or old categories of workers, public or private sector — all have had to face considerable changes over the past few years, which has led to a growth in conflicting interests which are becoming more and more acute, as the economic situation deteriorates and resources become scarcer.

In view of the foregoing, the social situation in the developing countries is characterized by the weakness of centralization and the conflicting interests among the members of the different social categories, accompanied by high rates of unemployment, falling living standards and wage claims to keep pace with the rising cost of living in a context of inflationary pressure. We should also note that governments have a very small margin for manoeuvre in facing this difficult situation.

In this bleak image we are surprised by the announcement of social labelling that would guarantee the manufacturing conditions of articles or products, which we consider to be "social globalization". The consequences of social globalization are difficult to predict because a preliminary study showed that the situation was bleaker than before. Globalization is in its preliminary phase and can only result in austerity, heightened pressures and a growth in the public deficit. The promotion of social globalization at this stage would lead to instability, and risk economic set-backs, because it will hinder the developing countries from enjoying the fruits of economic transformation and benefiting from the opportunities provided by the GATT agreements, which represent the only way to get out of the economic crisis. In addition, this will open the door to blackmail and international legal disputes.

The Federation of Egyptian Industries supports the social clause, but we should not overlook the social realities and economic perspectives. If there are attempts to create social justice, we will support them, but we should be careful to check that social justice is fairly spread around the world.

The Federation of Egyptian Industries supports the principles and objectives of the Organization, as laid down in the Constitution. In the past, the international community previously rejected any attempt to impose conditionality or linkage between international trade and international labour standards, and this was crystal clear at the WTO Conference in Singapore in December 1996.

Our organization has made considerable efforts in order to develop international labour standards, but there are still disparities and differences of opinion concerning the application of standards. For our part, we support the work of the Organization in this field, and in particular its action with a view to abrogating any obsolete Conventions, and we support the ILO's efforts to encourage ratification of international labour standards.

The Federation of Egyptian Industries in this regard stresses that energizing the economic recovery by the transfer of technologies, exchange of information, vocational training, technical and scientific research, which are the basis of social progress will have a favourable impact. However, the social label initiative, which obliges member States to comply with a set of fundamental workers' rights or principles, to leave all production of goods made on their territory open to an on-the-spot international inspection, is just a back-door way of going back to what the Conference rejected in 1994, i.e. the establishment of a link between international labour standards and the liberalization of trade. We are totally opposed to the introduction of a social clause to the international trade system, just like the international community at the Singapore Meeting. We also reject coercive measures with regard to international labour standards. The ILO should not be an instrument of persuasion to impose new protectionist measures on the pretext of respecting labour standards. Thus the ILO would become the instrument of the industrialized countries and would serve the interests of multinationals from those countries, with a view to prohibiting the entry of products from developing countries suffering from poverty and child labour. These measures are designed to protect the industrialized countries' products, which are very expensive for developing countries, and would take away the latter's comparative advantage.

The situation of workers and employers in the occupied Arab territories is deteriorating under Israeli occupation and I would like to refer to the resolution of the General Assembly of the United Nations of 25 April 1997. I would like to call for the reinforcement of ILO activities to guarantee the rights of workers and employers in Palestine. I would like to say that we call for a commitment from the ILO that it will not establish a linkage between international trade and international labour standards.

Original Arabic: Mr. AL-LOUZY *(Workers' adviser, Syrian Arab Republic)* — May I start by congratulating Mrs. Keltošová on her election as President of this session of the International Labour Conference, as well as the Vice-Presidents and the other Officers of the Conference.

It is a pleasure for me, on behalf of the General Federation of Trade Unions of Syria, and on behalf of the workers of my country, to express our considerable appreciation for the tireless and constant work done by the ILO to protect the rights of workers throughout the world and to guarantee them a decent standard of living by promoting the ratification of and respect for ILO Conventions.

We also congratulate the Director-General on his Report *The ILO, standard setting and globalization*. The emphasis he placed on respecting the fundamental rights of workers and on guaranteeing freedom of association, the prohibition of forced labour, equality of treatment and non-discrimination between men and women, and the prohibition of child labour were of particular interest to us.

We draw the attention of the Conference to the fact that the move towards globalization and the liberalization of commercial and economic exchanges, the growth in production, the reduction in costs in order to flood the market are not in the interests of the workers or of the rights they have long since acquired, because they cause a reduction in the number of workers in enterprises, factories and companies and in the benefits acquired by these workers in respect of social security and health insurance. Economic globalization which does not take the interests of workers into account can only lead to an increase in unemployment, as can be seen very clearly in the statistics of the industrialized countries; the unremitting rise in unemployment turns into demonstrations and protests which can even lead to confrontation with the authorities. The pleas made by workers throughout the world are the result of the loss of their benefits and rights. An end must be put to this unfettered globalization and to the fierce competition which is constantly eroding the rights of workers.

The privatization programmes of the 1980s did not lead to a society in which workers can look forward to a prosperous future, but they did enable the owners of the large enterprises to increase their turnovers, to the detriment of the workers. The social welfare programmes were unable to achieve the prosperity so much hoped for. We therefore think that the prosperity sought cannot be achieved through hegemony or fierce competition which both have disastrous results on the rights of workers. The ferocity of capitalism, the destruction of the traditional market economy system can only be alleviated by broadening the circle of workers who have retained their rights within productive institutions as a result of balanced policies. Economic liberalism must be restricted, workers' rights must be protected and extended by way of social welfare programmes and health protection schemes; consumers' rights must be protected, otherwise unemployment will rise, there will be more widespread unrest, purchasing power will diminish, recession will be the order of the day and bankruptcy will become commonplace.

It is our duty, through the ILO, to confront this grave danger which threatens us all as a result of globalization.

The economic policy of the Syrian Arab Republic has as its strategic objective stable global development. As there are multiple facets to the economy, we encourage initiatives from the private and public sectors and both combined to work towards stable economic development at the same time as pursuing social progress in order to maintain stable relations and, within society, among other means by the redistribution of income and wealth on the basis of fairness and equality, to promote work and better standards of living and to reduce inequalities among the various categories of society.

The working class and the Syrian unions are participating in an effective manner in economic, social and political life, exercising their trade union rights and freedoms and defending workers' interests by way of collective bargaining and the representation of their constituents in all economic sectors and within the public authorities.

The Syrian Arab Republic, under the aegis of Mr. Hafez al-Assad, the militant President, has set itself as a strategic objective growth and economic and social development in order to attain fair, global and lasting peace throughout the region. But Israel is refusing this peace and refusing to withdraw from the Golan Heights and the other occupied Arab territories; it is also refusing to observe the resolutions handed down by the Security Council and other related resolutions, and this is interfering with the development process in the Syrian Arab Republic.

The President of the Republic has said that our position is clear and that it remains unchanged. We believe in peace, we want peace, and we shall work tirelessly to achieve peace. We want peace to allow us to develop all our potential and to use it for the prosperity of our people and our nation, but we refuse a false peace, we refuse a peace which is built on injustice and aggression. The world is witnessing all the actions of the current Government of Israel, which are a far cry from being conducive to equitable and global peace or to the return of land to those who are entitled to it.

Peace cannot be achieved using a bulldozer policy and by establishing settlements. The Israeli policy of establishing settlements in Jerusalem, the Golan Heights, southern Lebanon and the other occupied Arab territories is a scandalous attack on the peace process which was initiated on the basis of the Conference held in Madrid and the resolutions of the United Nations.

The report on the situation of workers of the occupied Arab territories, like previous such reports, describes the suffering of these workers as well as the economic and social injustice caused by the Israeli occupation. These practices have been condemned by the ILO, the United Nations agencies and the international community. The injustice and suffering are everyday realities for the Syrian citizens of the Golan, they are not allegations by the Syrian authorities as the report indicates.

I appeal to this Conference to help to build solidarity with all the workers of the Golan Heights, southern Lebanon and the occupied Arab territories. We also ask it to condemn Israeli repressive practices and Israeli violations of the most fundamental human rights and of international Conventions.

Original Spanish: Mr. PARRA GAONA *(Workers' delegate, Paraguay)* — May I extend to you, Madam President, and to the international community of the ILO as a whole, cordial greetings from the Paraguayan workers. I would like also to congratulate the Director-General for his Report entitled *The ILO, standard setting and globalization*.

Within the policy of economic globalization, competition is becoming a necessary goal for sustenance and development of all of our countries. Any discussion of the economy and the labour market has to address political, social and cultural themes, in order for it to be possible to have any detailed understanding or illustration of the implications of this field. Since 1989, in Paraguay, we have been going through a period of transition. We have, despite a great many obstacles laid on our path, been reinstating certain now widely accepted principles that make for a just and civilized coexistence between all people. With the fall of the dictatorship we have managed to achieve, in spite of set-backs, the projection of a new image before the international community in order to obtain credibility and support for our process of institutional normalization.

Among the major achievements we have made, I should point to the 1992 constitutional reform, the new administrative and monitoring system for elections and fairer elections themselves.

However, the ingrained flaws in our society, the lack of any serious economic policy, the failure to distribute wealth, the absence of any comprehensive legislation or incentives in the economic and social field, and barely credible administration of justice, are all still a sorry yardstick that holds little promise for growth or development in Paraguay.

Official information from the Government admits to being quite unable to generate the necessary jobs to occupy the workforce of the country. Twenty per cent of the economically active population has no steady job. Open unemployment is growing, while underemployment is increasing as well. This of course leads to misery, poverty and marginalization for the greater part of the Paraguayan people.

Incentives to diversify production are not receiving the attention they deserve from the government authorities. Nor do they promote small and medium-scale industries with sufficient seriousness. If the prospects do not improve, then Paraguay is going to undergo an acute and perhaps uncontrollable crisis in the labour market in the coming years. Along with this, there is urban growth due to the unceasing rural exodus, which is particularly strong in the major cities, and the problem of landless peasants who suffer from repression rather than being offered any effective solution to their problems, and these problems are becoming worse day by day.

One of the hardest factors for the working class to have to deal with is the almost total absence of training among a large proportion of workers. For this reason, many of them cannot find a job that would give them a decent wage. About 49 per cent of the economically active population has not even completed its primary school studies.

For the workers, the permanent increase of the informal sector is a matter of great concern. There is no protection here when it comes to social security, and the situation is being compounded by the absence of any serious employment programmes.

In these years of transition towards democracy we, the workers, have made enormous effort to ensure that the right to organize is respected. Trade union activities have greatly increased in scope. However, a blinkered and worthless interpretation by the Constitutional Tribunal of my country's Supreme Court has blemished the entirely worthy character of trade unions. Slowly, gradually and systematically the labour market is becoming a kind of graveyard of labour rights. The introduction of stability in employment seems to elicit complete antipathy from most of the judiciary. Basically, economic liberalization is being imposed along with increasing precarity of employment, job insecurity and enormous emotional instability, both personal and within the family, among workers. Using twisted arguments and capricious interpretations that trample upon the technical rules of legal precedent, they avoid unacceptable judgements so as to protect large enterprises to the detriment of the workers, whose rights that are recognized in the Constitution and in our country's laws, are becoming a dead letter when verdicts are given, especially in the labour tribunal. Proof of the aggressive attitude of justice towards workers' rights is given in the dreadful sentence handed down against the strongly unionized workers of the Pelar Manufacturing Company. We are very concerned about the Bill to amend Law 200 in Parliament and we hope that public sector workers' rights will not be damaged by that.

Now, when globalization is in fashion, we hope that MERCOSUR will contribute effectively to bolstering the productive and complementary economies of all its member countries, with fair distribution of profits, more strengthening of our cultural identities, and greater sovereignty for our countries. As far as we are concerned, it is very important that this idea should convert itself into a human space in which all of us who live in Argentina, Brazil, Uruguay and Paraguay can enjoy justice, solidarity, respect for human dignity and effective participation.

We hope that the Ministry of Justice and Labour will find the right ways to enforce our labour legislation and Conventions Nos. 87 and 98 of the ILO, against such powerful employers as San Antonio Refrigeration Enterprise, Inca Soap Manufacturing Plant, Transport Enterprises and others, all of which are permanently violating labour laws and refuse to respect court orders which demand that union leaders — who have been dismissed through discrimination against workers' representatives — should be reinstated in their previous workplaces.

We set much store by technical cooperation from the ILO and we hope that such cooperation with Paraguay will increase.

Finally, we Paraguayan workers have opted for peace and democracy. Consequently, the globalization and modernization that are taking place at the moment must develop in a way that recognizes the merit of specific solutions to social problems, and that always respects fully the rights and interests of workers and indeed of the people as a whole.

Original French: Mr. GADO *(Minister of Public Service, Work and Employment, Niger)* — Allow me first of all, on behalf of the delegation of Niger, to congratulate the President and the Officers of the Conference on their election.

In this period of far-reaching change and uncertainty, the entire world, and in particular the developing countries, are placing great hopes in the ILO's new dynamic approach to its future activities.

I would like to take this opportunity to congratulate the Director-General on his excellent Report that is before us at a time when far-reaching technological, economic, political and social changes are taking place.

Apart from the main theme which is devoted to the ILO's standard-setting activities and globalization, this session is also examining the following items on its agenda: the revision of Convention. No. 96; job creation in small and medium-sized enterprises; and contract labour. And my country is taking into account these major themes, that require political commitment on the part of member States, to help it define better its national labour and employment policies.

The Director-General in his Report calls upon us to reflect clearly on the terms of reference to be given to the Organization at this time of globalization and liberalization. We are urged to address the following questions: how to curb the adverse effects of globalization, that is to say strive for globalization that truly takes social considerations into account; and how to ensure that globalization benefits one and all, from the richest to the poorest countries.

Aware of this situation and in view of the unflagging efforts undertaken by the Organization, the participants at the World Summit for Social Development reaffirmed the ILO's importance and gave it a mandate to pursue the objectives entrusted to it by its founders; indeed, the conditions that prevailed on the eve of the Organization's creation are still with us today in the form of poverty, social exclusion, discrimination, arduous working conditions, non-compliance with freedom of association and human rights, unprotected work of women and children, etc.

In these conditions, the ILO must pursue its main objectives and create conditions for peace and stability in the world. Other objectives also include: the respect of human dignity at the workplace, the promotion of social democracy through the recognition of freedom of association and dialogue among the social partners and governments, employment promotion and vocational training, measures to combat unemployment and underemployment and, finally, the elimination of discrimination in all its forms.

The pursuance of these objectives shows how relevant and crucial the ILO standard-setting and technical cooperation activities are in a world that is in the throes of change.

My country supports the proposals made by the Director-General in his Report, that are designed to protect the world from the social dangers that may ensue from economic globalization.

As regards the new proposal for an overall social label, Niger takes note. However, as this would undoubtedly be very complicated to implement, I would urge all constituents to reflect carefully on this and to take into account our social and economic situations. Finally, convinced that the topics chosen for discussion are sensitive and extremely relevant, we hope that under the able guidance of the President the results of the Conference will live up to our expectations.

Original Italian: Mr. VANNI *(Workers' delegate, Italy)* — The Report of the Director-General rightly claims that although globalization of the economy is undoubtedly an unequalled factor of progress and peace, it cannot be left entirely to its own devices. Trade liberalization, and the related growing interdependence of economies, sustained only by uncurbed competition, far from creating new jobs, is indeed likely to lead to social conflicts and, in the long run, to new forms of protectionism.

Competition amongst major economic areas, which has become necessary due to the inadequacies of national economies, will lead to a marginalization of the weakest countries and peoples. To achieve balanced economic growth and overall development, economic development must be linked to social progress, both in industrialized countries and even more so in developing ones.

The introduction of a social clause into international trade was wrongly seen in the past as a means of introducing new forms of discrimination. Today, after Singapore and Copenhagen, everyone realizes that respect for basic human rights at work is the very foundation of peaceful social coexistence and as such comes under the mandate of the ILO.

The Director-General's proposed idea that ILO membership presupposes respect for the principles underlying the seven core Conventions, and that this respect should be embodied in a solemn declaration to be adopted in 1998 which would be binding on all member States, has the wholehearted support of the Italian workers.

Only the right to freedom of association and collective bargaining can eventually increase consumption in all countries and transform free trade into social progress and full employment. It is only in this perspective that the citizens of developed countries can accept through solidarity and social cohesion the temporary unemployment, low wages and precarious conditions that currently characterize the economies of the European countries during this reconstruction phase. It is against this background that there seems to be particular justification for a periodic report by the ILO on social progress and the introduction of an overall social label for countries that accept reliable and legally autonomous international inspection.

The problems of full employment, the changing nature of work, sustainable social security cannot be solved by deregulating employment relationships at the national level or through a weakening of ILO regulations or rules in other international institutions. Unless monetary union is capable of uniting an economic Europe with a social Europe, the European Union will not bring about the social cohesion that was the driving force behind growth achieved to date. It is social dialogue, tripartite dialogue, not a standstill in standard-setting activities that is therefore the appropriate instrument for the introduction of new rules for new forms of work in order to decide what amendments must be made to international standards. The collective interests of workers must be defended through these standards. A society composed only of individuals struggling to survive and to gain a larger share of wealth is a society where large numbers of people are likely to be marginalized.

Italian workers, who firmly believe in solidarity and social cohesion, are making considerable sacrifices, and this applies to other European workers as well, in the hope of establishing through wage policy and tripartite consultation, a new framework for economic stability in accordance with the commitments of the European Union and with economic globalization. Only evidence that the new international division of labour produces wealth which leads to broader development, and to broader participation, can lend meaning to the radical changes in production and trade that have been triggered by globalization. And all this must serve the interests of enterprises as well as of workers. The central role of the enterprise in the market economy cannot be supplanted by the central role of capital, for enterprises are composed as much of capital as of labour.

Original Spanish: Mr. VELOZ CUEVA *(Workers' delegate, Ecuador)* — In the name of the delegation of workers of Ecuador, may I start by congratulating the President on her election to preside over the 85th Session of the International Labour Conference. We are sure that under her leadership this session will have positive results.

I would like to congratulate the Chairman of the Governing Body and the Director-General on their reports, and particularly the Director-General's Report entitled *The ILO, standard setting and globalization.*

Since its inception, the ILO has proven to be a specialized seed-bed for international labour standards which have been drawn up on an equitable basis and with a view to social justice, and, at the same time, which are pertinent to the social and economic reality of the times.

The Director-General aptly and intelligently points out the phenomena underlying what has come to be called globalization or internationalization. With these processes, we witness increasing unemployment in the world, a reality which is affecting the most developed countries, and is also becoming a real cause for alarm in the developing countries.

So-called international competition produces a painful reality, as even those workers who still have work are now being deprived of it. Therefore, we agree with the Director-General when he says that ILO standards are an important means for the Organization to achieve its objectives and give effect to its values, which include human dignity, a dignity that we believe is achieved through the right to work, the right to privacy and the right to an identity as part of human fulfilment.

Now more than ever, in spite of certain prophets of doom who talk about the disappearance of the ILO, our Organization must enhance its role as a source of protective standards for the most important resource on earth — people.

Our delegation cannot help but to briefly mention the reality which we workers in Ecuador have faced since the last session of the Conference.

Since 1996 we have so far had three governments: first, the neo-conservative Government of Mr. Sixto Duran Ballen, which left a legacy of some 60,000 public sector employees who were put out of work. With these lay-offs came the de facto disappearance of various unions and also the termination of numerous collective agreements.

On 10 August 1996 the populist Government of Mr. Abdala Bucaram came to power. It continued the economic plans and programmes of its predecessor, carrying out massive lay-offs in the public sector. From the very start this Government consistently insulted the leaders of the trade unions in general, and specifically attacked the union organizations and leaders in the petroleum sector. For these excesses and other acts of corruption, the Ecuadorean public responded massively in favour of the general strike which was called by the patriotic front, driven by the four trade union confederations which formed the FUT workers' united front, and other social organizations. The days of 5 and 6 February will go down in history, as that is when the Congress revoked the powers of the President and nominated Dr. Fabian Alarcon Rivera as interim President.

The workers of Ecuador are concerned because the successive governments have disregarded the comments repeatedly made by the Committee of experts with regard to the fulfilment of Conventions relating to freedom of association, the right to unionize and to collectively bargain, the Convention on employment policy and Conventions on nationalities and indigenous workers, among others.

And yet the workers, with a dedicated sense of patriotism, are helping to find solutions to the severe social problems which Ecuador now faces: 25 per cent inflation, 14 per cent unemployment and 65 per cent underemployment, plus 80 per cent of the population of Ecuador living at the poverty line and the minimum monthly wage at 30 dollars, which does not even cover the bare necessities.

By developing a dialogue with the employers, we were able to reach a consultation agreement and eventually conclude a social pact, which was signed on 9 September 1996 with the Government. The agreement was ratified by the present Government on 19 March of this year. At the moment, there are five working groups operating on a tripartite basis in the following fields: wage policy and standardization; social security; employment; training and vocational skill enhancement; and the modernization of labour relations.

We hope that with the common efforts of the workers, employers and governments, and with the effective help and supervision of the ILO, it will be possible quickly to achieve concrete results towards making the social pact a reality and ensuring that the world of work offers full social justice and freedom.

Original Spanish: Mr. BROWN YOUNG *(Workers' delegate, Costa Rica)* — It has been correctly said that we are not living in a period of change, but in a change of period. This is the period of globalization, of the construction of a world village.

Globalization proposes unique new scenarios to delegates to this Conference. To understand this globalization process is a task for everybody. We can only find appropriate solutions to the problems which have been posed if we place them within a general questioning about the reasons why human beings live in societies.

We cannot accept that technological development and the accumulation of wealth become ends in themselves. This disregard of the importance of people and in favour of things, this fatal submission to social forces denying people their capacity to lead their own lives, is without doubt the greatest folly ever conceived. This is not the way towards progress, but is actually moving backwards.

We now have sufficient information to be unable to pretend ignorance of the extent to which the gap between the comfort of the rich and the misery of the poor have brought the world to the brink of collapse. This unworthy dualism must cease. We cannot, as human beings, feel satisfied with ourselves for what we are doing. Africa is bleeding in excess, extinguishing itself, and its abhorrent afflictions continue, but such things sometimes do not even make the news anymore. Latin Americans can no longer talk about a wasted decade, but two wasted decades. We are not only straying far from social progress, we are also beginning to lose hope.

In most Latin American countries there is a real conspiracy against the development of trade unionism. The powerful sectors within society have converted the right to organize into a "foreign body", unwelcome in our country. Our most serious challenge as trade union leaders in such an inhospitable atmosphere is to obtain the necessary legitimacy to be able to represent workers and to defend democracy and the right of everyone to have opportunities for progress. The above factors make our continent one where it is very easy to demonstrate why the ILO needs to exist.

The modern theories of administration call for the importance of human resources and an imperious need to adopt methods of management based on the participation of all employees in order to ensure quality and increase productivity. Within that spirit, it is essential that employers should accept the right of workers to organize and to freely express their wishes. This is a development opportunity for enterprises, not a threat. The employers must retrain in their responsibilities as administrators of social property and understand that productivity and efficiency are explained to a large extent by the social, political and institutional context, and not only by technical measures that are micro-economic in nature. They must care about social and democratic development, including freedom of association, and feel confident that this makes good business sense.

Governments must once and for all turn their backs on absurd economistic orthodoxy. Stubborn reality has shown that the market generates antibodies which cancel out its virtues in fulfilling its function of promoting efficiency and a fairer distribution of resources. These antibodies transform the undeniable qualities of the market into authentic dramas, for which it is imperative to establish institutional regulations that will guarantee that the market of underdeveloped countries functions to benefit society, and not the other way round.

The unions reject social dumping, without mincing words. It is the wrong road towards development because it perpetuates our chronic structural inequalities. Our struggle is for the progress of all humanity, not for a part of it alone. Therefore, we do not accept that the levelling of working conditions should be downwards. Neither do we pretend that artificial leaps can be made, ignoring the historical development of our contexts, but we do claim our right to advance, and we cannot tolerate stagnation nor, even worse, moving backwards.

We believe that the Director-General's proposals go in the right direction. The social label would be a good initiative. In that sense, we believe that it would be appropriate to ask the corresponding body of the United Nations to include within its annual human development index a consideration of labour aspects.

Central America has finally managed to put military war behind it. We have achieved peace in our lands. Now everything gives the impression of progress, which we are making the most of. But solidarity for Central America must not be withdrawn, we must now defeat the social problems that cause fratricidal struggles, if not, peace could appear to be devoid of any content.

With regard to my country, Costa Rica, it is with bitterness and pain that we have to recognize that we continue to suffer from the repression of trade unionism. We have not had the right to organize nor to negotiate in the private sector, and now these rights no longer exist even in the public sector. It was a few years ago now since they prohibited collective agreements in the public sector, and now they are using a reform of the State as a pretext for dismissing trade union leaders from their posts. Legal verdicts for the reinstatement of trade union officials are not being fulfilled, and this is a very dangerous symptom of the formal character that our 100 year-old democracy is manifesting.

Mr. OWUOR *(Employers' delegate, Kenya)* — On behalf of my delegation, may I congratulate the President on her unanimous election to lead the 85th Session of the ILO's General Conference, as well as on the excellent manner in which she has been conducting the proceedings of the Conference.

The Director-General also deserves our congratulations on choosing the ILO's standard setting and globalization as the theme of his Report.

Since the ILO labour standards have been adopted on the premise of their universal applicability in a global market, as there are no regional standards, the preoccupation of the ILO constituents should therefore be to adopt standards that are flexible, effective in protecting workers' rights, and which can easily be implemented by all countries depending on their conditions and stage of development.

The problem facing the ILO is not so much the ineffectiveness of the current supervisory machinery but the inflexibility of most of its standards and costly adjustments that countries are required to make so as to bring some of their laws and practice into conformity with these standards.

The solution seems to lie in the ILO revisiting those of its standards that have received the least of ratifications and revising them to bring them up to date, in conformity with the imperatives of globalization.

It is for this reason that my delegation does not share the Director-General's proposal for the ILO to codify its core Conventions in the form of a charter with its own means of supervisory provisions spelled out in the instrument itself, with follow-up taking the form of regular reports to the Director-General and discussed, by an ad hoc committee of the Conference.

In this respect, the Director-General furthermore proposes that this special machinery will be followed by the adoption of codes of practice of products and of labels guaranteeing the conditions under which consumer articles are manufactured, or the so-called "social labelling". As has been noted by some of the previous speakers, "social labelling" is an attempt to introduce the social clause to the ILO debate by another name, despite the rejection by the December 1996 WTO Singapore Ministerial Declaration, of the use of labour standards for protectionist purposes on the ground that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question. Just as industrialized countries have technological and managerial superiority in their modes of production, the developing countries' only comparative advantage is effective utilization of their labour force in the face of fluctuating prices of their commodities in the world market.

In this regard, conditions of workers, especially those engaged in the export trade, could be improved by the industrialized nations, providing minimum guaranteed prices for the developing countries' commodities traded in the world market, so long as the current WTO rules are amended so as to allow such subsidies.

My delegation also considers that the difference in ILO standards between the so-called "core Conventions" and "non-core Conventions" is likely to create an artificial situation where some Conventions will be regarded as second-class instruments, despite the fact that the non-observance of some of them may be harmful to the health and welfare of the affected workers, and even more so than the so-called "core Conventions".

The ILO is also currently operating on a stringent budget, therefore creating an additional supervisory machinery in addition to the current Committee of Experts, the Governing Body on Freedom of Association and the Conference Committee on Standards will only increase the cost of ILO operations without any value added whatsoever.

The ILO deserves the support of its Members in fulfilling the objectives of its IPEC programme, especially the elimination of the most abusive forms of child labour that may be harmful to the physical and moral well-being of young children and which may also interfere with their education. The programme has assisted in raising world awareness of the issue of child labour. However, some of the least developed countries, where child labour is prevalent, are also faced with mass poverty, and in some cases the bulk of their populations live below the poverty line. Therefore, unless the world community addresses the main causes of mass poverty, such as social and political upheavals, inadequate level of investment in both physical and social infrastructure, crippling external debt burden and an unsustainable level of development, then child labour will continue to be an eyesore in most of these countries, with or without an ILO Convention prohibiting the use of child labour. For some of these children the alternative is either to work so as to keep their bodies and souls together, or engage in prostitution, drug pushing and other criminal activities or to face possible starvation to death, given the fact that some of these children are either orphans or children of people displaced by social upheavals.

My delegation considers the discussion on the general conditions to stimulate job creation in small and medium-sized enterprises as a positive contribution by the ILO to address one of the most intractable social problems facing the developing countries. It also provides a strong anchor for the ILO Enterprise and Cooperative Development Department to prepare its programmes within the context of a unified ILO instrument. It is my delegation's desire that any instrument that emerges from the deliberations will be flexible, universally applicable and will lead to the creation of additional employment, especially amongst the youth. The ILO should rely more on educating its Members in fulfilling their obligations to the Organization and less on actions that may be regarded as discriminatory by some of the least developed countries, especially its determined effort to promote the social clause through social labelling.

Original Arabic: Mr. IBRAHIM *(Workers' delegate, Libyan Arab Jamahiriya)* — In the Name of God, the Beneficent, the Most Merciful! It is a pleasure for me to echo the foregoing speakers in addressing my congratulations to Mrs. Keltošová on being elected to preside over this 85th Session of the International Labour Conference. I am sure her abilities and skills will ensure the success of our deliberations.

It is with some caution and great care that we have noted one of the questions selected as a theme for the Director-General's Report, *The ILO, standard setting and globalization.* While stressing the important role of the ILO in establishing and promoting standards as a major component of social progress and development, we would like to point out that a good many questions contained in the Report have proved rather controversial for States. This is because, on the one hand, the Report stresses the need for the fundamental rights contained in the Constitution and the wide-ranging labour principles and standards which guarantee the dignity of workers, and on the other hand, it seems to invite Members to accept binding conditions and procedures that would even go as far as imposing international inspections on countries and the introduction of unjust clauses for developing countries, in violation of their sovereignty.

I would like in particular to make a link between labour standards and trade liberalization, the binding nature of Conventions, the adoption of a declaration establishing a connection between technical cooperation and state commitment to respect the standards contained in the Conventions without taking into consideration the circumstances prevailing in each individual country.

Then there is the matter of social labelling which is one of considerable concern to us, and causes us, the members of the Workers' group to wonder what advantages the workers can gain from globalization if their countries lose their sovereignty, their independence and their freedom and find themselves forced to accept conditions and systems imposed on them by the large industrialized countries, on the basis of profit, to the detriment of the developing countries, and with the aim of imposing their hegemony on the countries of the Third World.

We also wonder about the direction this Organization is taking, where it is heading. We are even within our rights to ask ourselves whether this Organization, which after all has its own very special status in comparison to the other international organizations, will go the same way as the Security Council, namely, become a tool in the hands of certain major powers, at the service of their imperialist objectives and their expansionist and hegemonic policies.

Our people have suffered an enormous amount and continue to suffer from the monopoly system that makes it possible for one single large State to dominate the international organizations and to urge them to adopt iniquitous resolutions against unfortunate populations while in fact such organizations should be striving for justice and fairness, and to safeguard the dignity of man, his independence, and his freedom throughout the world. The suffering endured by the Arab people causes us to call everything into question. Thus, the Libyan people has for years been subjected to an iniquitous embargo which has caused enormous damage to the whole population. It has also deterred from our production capacity, run down many of our economic sectors, cut down our growth leading to huge losses in almost every single sector — transport, health, agriculture, education, etc.

Despite the global support of the international community and of organizations such as the Non-Aligned Movement, the Organization of African Unity, the League of Arab States, the unions and other global and international bodies through resolutions in favour of the lifting of sanctions and the embargo against the Libyan Arab Jamahiriya, the fact none the less remains that the continued hegemonic attitude of one or two large States within the Security Council overturned the resolution approved by the majority of States to lift the embargo, and resulted in the continuation of the embargo and other sanctions.

Consequently, those forces that are seeking peace and freedom are questioning the impartiality and independence of the United Nations. Some now doubt its credibility. How can one otherwise justify a continuation of the iniquitous embargo against us, despite the international support offered to the Libyan people, expressed not only by Heads of State and Government, but also by the populations of those States as demonstrated by the public support shown by millions of people for our revolution under the supervision of our leader when he visits friendly countries such as Niger and Nigeria.

Furthermore, the Palestinian people continue to suffer openly and publicly. It suffers from aggression, the effects of the occupation, of the confiscation of its lands and the alienation of its legitimate rights. The occupying authorities continue to perform their terrorist and expansionist policies, trampling international agreements underfoot and completely ignoring the international position which favours the creation of a Palestinian State.

The countries that say they are fighting today for freedom in the world have done nothing to force the occupying authorities to put an end to the terrorist practices against the Palestinian people. Indeed, they provide them with weapons and funds enabling them to pursue their practices against the children of Palestine and Lebanon.

The Director-General's report on the situation of workers of the occupied Arab territories points out the continued violations, terrorist, racist and repressive practices that the occupying authorities are continuing to perpetrate on the Palestinian people. This has led the credibility of the peace agreements to be called into question. Indeed the occupying authorities with their expansionist policies and with the setting up of new colonies are sabotaging the peace process and changing the physical characteristics of Jerusalem. This can be seen in particular with the Djebel Ben Ghanim and Raas El Amoud settlements and the ongoing occupation of the Golan and southern Lebanon.

We vigorously condemn the continued occupation of the Palestinian and other occupied Arab territories in the Golan and southern Lebanon. There can be no genuine peace in our time without the establishment of a Palestinian State, the capital of which would be Jerusalem, and without the liberation of the whole of the occupied Arab territory. We reiterate our full support to the Palestinian people in their struggle for liberation. And loud and clear we declare from this podium our solidarity with the people of southern Lebanon and the Golan, and with the people of Iraq, subjected to an embargo.

In conclusion, I would like to stress the need to strengthen the role of the ILO and the implementation of its objectives, principles and its noble values as enshrined in its Constitution, and also the need to preserve its independence as an international organization with a tripartite structure, in order to combat discrimination and hegemony in all their forms.

Mr. MHANGO *(Workers' delegate, Malawi)* — Once again, it is a matter of great honour that we are able to address this august body which is one of the most representative institutions within the United Nations system.

Although Malawi had by 1965 ratified key international Conventions protecting basic human and trade union rights, this was not supported by the promulgation of national laws to effect them. In addition, from a quick review of international standards ratified by Malawi, it is apparent that the country has not fared well on ratification and reporting on ILO Conventions and Recommendations.

Over the years, its submission arrears to the ILO are accumulatively very poor. In Malawi, industrial relations have therefore been governed by very retrogressive laws that made the labour movement part of the ruling party and Government.

Since the new Government came into power, labour laws were targeted for serious review. With the assistance of international organizations including the ILO, the 1996 Labour Relations Act was prepared. The Act is a major improvement over the previous Trade Union Act.

In addition, the Government, through the Ministry of Labour and Manpower Development, has encouraged trade union activities. Tripartite consultations, albeit not well structured, have also gained momentum in selected cases. Although moderate, these initiatives have been commended by workers.

Notwithstanding the above, Malawi workers' hopes keep on being dashed. The popularly applauded 1996 Labour Relations Act has up to now not been gazetted to be effective. Workers are at a loss as to what reasons cause the delay, especially after the State President had long since assented to it. Due to this, Malawi industrial relations are still regulated by the old retrogressive labour laws.

In addition, the Government's actions have not been consistent with its policy declarations. The recent public service workers' strike over pay revealed an inability on the part of the Government to properly handle an industrial dispute.

The Government's use of paramilitary police, police dogs, tear-gas, arrests and beating of trade union leaders and striking workers was reminiscent of the one-party rule of the past.

On another score, the Government does not even appreciate that Malawi workers are committed to industrial peace. Through the Malawi Congress of Trade Unions, public service workers had to call for a resumption of talks, since a six-week long strike was becoming too expensive for the economy and claiming human lives. Surprisingly, the Government was busy on its radio, issuing threats, dismissing the need for negotiations and calling the strike illegal.

Due to international protests and pressures from fraternal organizations such as the ICFTU Brussels, ICFTU-Afro and LO-Norway, the Government has returned to the negotiations. We are not sure if they are negotiating in good faith. We are closely monitoring the situation.

We have many similar cases in the private sector as well. A long outstanding issue involves the dismissal in early 1996 of 129 workers at the Malawi National Seed Company, a subsidiary of a multinational company, Cargill Inc., based in the United States of America. We would expect a multinational company with the status of Cargill Inc. to uphold international labour standards everywhere, and we appeal to all fraternal friends to assist us on this matter.

The current systems of economic and business management require laws that facilitate complex business practices. Until this is done, Malawi will not move forward. For their part, Malawi workers are prepared to play a constructive role through tripartite arrangements and maintaining industrial peace through collective bargaining processes.

Original Arabic: Mr. GAREEB *(Workers' delegate, Iraq)* — In the Name of God, the Merciful, the Compassionate! It gives me pleasure to convey to you the greetings of the Iraqi workers and I would like to congratulate the President on her well-deserved election and wish the Officers every success in their work.

I was asked by the workers of Iraq to notify you of the extent of the suffering caused by the unjust economic blockade they are subjected to. They attach importance to the work of this august assembly for the positive influence it can exercise by defending what is right and thereby achieving justice for the oppressed.

The Iraqi people live under the threat of extermination in view of the rarity of food, medicine and other basic essentials. Work opportunities have decreased and in addition to this unemployment has increased and prices skyrocketed, while social and health conditions have greatly deteriorated.

In spite of the insufficient impact of the memorandum of understanding regarding oil for food and medicine as well as other humanitarian needs, the United States Administration is still hampering its implementation. The duration of the agreement covers six months but this period is now over and 25 per cent only of the contracts were honoured due to the insistence of the United States Administration to hinder the implementation of the memorandum in order to punish the resisting Iraqi people.

Malaria has spread widely, particularly in the north of the country, yet the United States delegate at the ad hoc committee objected to Iraq obtaining the necessary insecticides to counteract the mosquitoes which transmit the disease. He also prevented Iraq having access to vital electrical equipment which deprived 1-1.5 million people of electricity, thus affecting activities in all spheres, and hospitals, schools and universities in particular.

UNICEF has announced that over 25 per cent of Iraqi children under five years of age are suffering from chronic malnutrition. Diseases are spreading and many diseases which were not previously known in Iraq have now begun to appear. Other scourges, some of which were also previously unknown, are also spreading in agriculture and among animals. The experts blame the Americans for having polluted the environment, the agricultural resources and the animals of Iraq, as they employed all sorts of practices which could be harmful for the Iraqi people.

It has become crystal clear that the sole objective of the continuation of the blockade and the starvation and deprivation of the population is to impose political stances and opinions which are entirely out of keeping with international law. The proof of this is that the American Government rejects the extension of Iraqi sovereignty to the northern part of Iraq, and violates its air space, while it does not say a word to the invasion of the Turkish forces into northern Iraq.

The Constitution and objectives of the ILO makes it responsible for supporting the Iraqi workers, and thus we call upon the Director-General to give his attention, support and assistance to the workers of Iraq as the other international organizations do.

The agenda of this Conference is full of important subjects, in particular the activities of the Organization and the changes at the international level with the ensuing new notions and ideas. This has been confirmed by the Director-General in his Report on *The ILO, standard setting and globalization*.

The Report of the Director-General clearly presents the ILO's view of globalization, as well as its negative repercussions and the corresponding approach that should be taken. The International Labour Organization should strengthen its efforts to defend the rights of the Palestinian workers and of those of the occupied Arab territories. It should tackle the practices of persecution, blockade, racial discrimination, the establishment of settlements (e.g. at Iabal Ghanim) and the destruction of houses, perpetrated by the occupying authorities.

It is both timely and right for the Organization to expand its activities in the Arab region and for the Arabic language to be used in a way which corresponds to the Arab presence within the Organization. The workers of Iraq declare their support for the Libyan workers and for an end to the blockade placed upon them; they also support the workers of the Sudan and efforts to safeguard the unity of the country; lastly, they declare their support for all those striving for freedom throughout the world.

Mr. MUÇO *(Workers' delegate, Albania)* — It is an honour and it is indispensable for me to take the floor on behalf of the Albanian workers in this important session of the International Labour Conference, the main organ of collaboration between the social partners to protect justice, develop democracy and institutionalize labour relations.

Over these past five years, as a result of deep political, social and economic changes, Albania has entered the framework of international activities. We have experienced directly the assistance and impact of the ILO on all our activities to protect the workers' interest, in the context of a very difficult transition period.

Our participation in the annual sessions of the Conference here in Geneva, the technical assistance we have received through their specialists and representatives in conjunction with the Ministry of Labour, the involvement in different projects with great interest, the organization of training seminars here or abroad, as well as other activities organized especially by the

Central and Eastern European team in Budapest, have been of concrete assistance which we appreciate very much.

We take the advantage of this occasion to thank you, to thank the ILO, its leaders, as well as the leaders and specialists of the ILO CEET, Budapest, for all these activities and everything they have done for our country.

The political pluralism and the reforms that are opening the way to the market economy have been accompanied by a profound social transformation in Albania, where the participation of the workers' organizations in the life of the nation has been of great importance. Several trade unions are active in Albania now and in spite of problems between themselves some of them are in general playing an important role in the progress of democracy and the defence of workers' interests. Their influence is apparent in several directions. For example, several democratic laws have been approved which create the conditions for human and trade union rights. A new Labour Code has also been passed which, in spite of some limitations, is an important factor in all the labour relations processes in our country.

Some time ago, the National Labour Council began functioning, with the participation of all three social partners, and this most important organism is expected to bring evident transformations not only to restore social peace, but also to improve relations among the social partners and the trade unions themselves.

At the same time a number of projects are under way, for example the project for restructuring wage policy, professional and trade union training, labour inspection, etc. As a result of the repeated requests from our Confederation and some other unions, and of the engagement of the Professional Relations Directory of the Labour Ministry, it was made possible for three international labour Conventions to be ratified during 1996, which means that Albania has now ratified 20 Conventions, while preparatory work has also been carried out to facilitate the ratification of others this year.

However, as all of you are aware, our country is facing a very difficult political, economic and social situation. The failure of some pyramid investment schemes led to a massive increase in social unrest and political fighting. As a consequence unemployment increased and it is now increasing through 30-35 per cent range, while inflation is going up every day, and these twin factors are continuously decreasing the living standards of the majority of the population.

Under conditions where the Albanian lek has been devalued by almost 50 per cent in comparison with foreign currencies, Albanian wages and other remuneration have remained unchanged, in spite of the fact that they do not fulfil even the minimum needs of life. All of this has apparently favoured the growth of so-called "black work" (or informal employment), which has involved a great number of workers, who are not covered by social and health insurance, not only for the moment, but also into the distant future.

Under these conditions, all of us are expecting numerous killings and wounding, and there has been destruction and demolition of the fabric of the country by people seemingly devoid of any logic, and everything else that has been happening, which is against the elementary norms of democracy. We sincerely hope that this is to be ended by the free and fair elections to be held soon, on 29 June, which is expected to restore the normality so much desired by all Albanians.

It is a positive sign that all the three social partners in our country are committed to contribute as much as they can do in this direction. It is a real fact that — in these efforts to defend the workers' interests without renouncing the social and economic demands of the workers — our Confederation, during the past five years, has considered itself also a partner of the Government and other state organs, expressing openly its wish to work towards the collaboration and agreements in favour of social peace and quietness. However, in these efforts we have faced and are still facing a lot of problems. The system of collective agreements is not yet functioning. This is determined by the fact that the respective articles of the Labour Code are not sufficient. The arbitrary actions of state organs and representatives are obstructing the implementation of other articles, which would have facilitated action on collective agreements, the most effective weapon of the trade unions in their efforts to defend the workers' interests. This has caused the number of collective agreements in force in our country during 1996-97 to have been very low, and to remain so now. Eleven agreements have been signed in the first level, between the trade union organs at the national or branch level and the respective ministries or other organs; the number of the workers involved in these agreements is very low, 30-35 per cent of all employed workers.

The representation on the National Labour Council was also decided in an arbitrary way, by the Government defining the number of the representatives of each union not in conformity with the real membership or other index figures, but according to the subjective judgement of some officials who are representatives of the Government.

It is a positive factor that for these problems and some other obstacles which we are faced with, there is a concrete engagement by the Labour Ministry to make some changes in the Labour Code which, if accompanied by other actions at all levels as well, would bring major improvements regarding the system of collective agreements and other issues of labour relations as well as the activities of the social partners in general.

Our Confederation is aware that the problems which we are facing in the labour relations field, and in all the social and economic activities in our country, will be solved by us ourselves collaborating better with each other, taking responsibility and acting in a democratic way. However, at the same time, according to our point of view, our country is in need of continued ILO assistance, especially regarding the implementation of projects which are under way, and seeing the possibilities to enlarge such technical assistance projects in the future in order to encourage the ratification of further ILO Conventions, reflecting them in Albanian laws as well as in several other directions.

Our participation in the annual sessions of the International Labour Conference, and especially the orientations of this year's session have been of great assistance for us in order that, together with the other social partners, we can contribute to the development and the social and economic progress of our country.

Mr. ONGABA *(Workers' delegate, Uganda)* — It is with great pleasure and honour that I address this august house, and would like to convey the heartfelt greetings of the Ugandan workers to all the delegates present at this session of the Conference.

The pace at which our countries are moving ahead with the process of restructuring and privatizing has put the workers in jeopardy in most developing countries. The same has, however, also sensitized the social partners to grasp the ideas that are the major topics today at this session of the Conference.

There is no doubt that the SAPs, especially in Uganda, have increased contract labour. The same has brought about a realization that more jobs have to be created if our survival is to be guaranteed in the new era of globalization. It is for these reasons that we have to thank the ILO for coming out with preparations for the protection of workers, at whose expense most developing countries, especially those in Africa, have missed out on economic growth.

It is sad to note that while it is well known that productivity is directly proportional to the peace of mind of the workers, most African countries still do not implement the Conventions and Recommendations duly and voluntarily ratified by them. They wait for their social partners to forward formal complaints to the International Labour Conference before they are tickled out of their siesta.

Peace, stability and political democracy are a prerequisite to development. The turbulence in Africa today, is retarding the progress of the continent and must be checked. We wish to extend our full support to all workers of Africa and the whole world who are fighting for peace, stability, human rights and democracy, especially those in the Great Lakes region and currently in Sierra Leone in West Africa.

We wish to finally call upon our social partners in the developing countries, especially in Africa, to follow the examples of our friends and colleagues in Europe, Asia and the Americas and begin to give labour the importance that it deserves. It is only this realization that will enhance our move towards genuine economic development.

Original Spanish: Mr. RAMIRES *(Workers' delegate, Bolivia)* — I would like to congratulate the Director-General on his Report, which passes judgement on today's most urgent problems with equanimity. We certainly agree with the comment that "the recognition of workers' fundamental rights [is] a condition for social progress".

The principal concern of we, the Bolivian workers, is the fact that every year there is a litany of complaints from the workers about violations of social rights. In most cases, these rights have been violated in order to impose economic measures that do not help those countries, and are even less favourable to the workers. The arguments of the victims are simply not listened to, and this evil seems to be completely inseparable from the encroaching hand of globalization.

What concerns us has indeed gained legitimacy, in spite of the statements of employers and governments. The policies are enforced coldly, while macroeconomic figures are repeated like an incantation, and the policies lead to a kind of dismantling of society, a process which denies the core principles behind the existence of the ILO. The ILO emerged in 1919 from a deep economic and social crisis around the world, proclaiming the precedence of social interests over individual ones, stating that peace should be based on social justice, overcoming economic categories generated by free market competition.

Technological changes that have occurred in the countries at the centre of the present economic system, and the structural adjustment policies that are imposed on the peripheral countries under the dictates of economic globalization, have finished by signing the death warrant of the State as an institution concerned with social problems. To transform such States, governments have invented arguments that are very often contradictory, that are designed to run down the reviled welfare state, as if welfare were some kind of crime, or as if it were solely related to centrally planned economies.

They forget that the political duty to offer protection applies not only to objects, to machines, or to the landscape; it also applies to labour relations which are, of course, intimately linked to human beings. Rights are not simply limited to the sale of labour power, which has itself become part of the commercial laws of supply and demand, as if the very notion of work could be somehow separated from human beings. In other words, when there is talk of deregulation and flexible labour markets, you have to see first how this directly affects the deepest rights of the human being, by which I mean the right to life, the right to work, the right to education. The increase in precarious employment is sapping the foundations of inherent human rights, that we should all be respecting.

The same can be said of those employer requirements — and the encouragement they receive from governments — that lead to incomprehensible restrictions of social standards; what is being sought is the end of the tripartite spirit that characterizes the ILO. It would otherwise be impossible to explain, for example in the case of Bolivia, why the armed forces intervene in industrial disputes. This happened in the case of strikes in the gold-mines of Amaya Pampa and Capacirca. In that conflict the Ministry of Labour did not participate, that ministry being the one directly responsible for such problems as the strikes I have referred to. However, the Ministry of Defence of the Government did participate, as if it were a matter of intervening in some kind of war. This shows that the tripartite spirit has been seriously undermined. Thus, in four years of government, Mr. Sánchez de Lozada has caused the death of 36 workers. Among these, we can cite the incidents that occurred when pensioners mobilized to defend the social security system, when rural workers mobilized to defend their lands, when the mining workers of Amaya Pampa went on strike to defend their jobs, and so on.

For all of these reasons, the Bolivian trade union organization calls upon the 85th Session of the International Labour Conference to stand firm in defending the Conventions and Recommendations that it has produced, and which have emanated from the principles that led to the very birth of the Organization. That is the only way we might hope that individual and collective rights will still be respected. Stable employment, governed by the Termination of Employment Convention, 1982 (No. 158), is absolutely essential. Otherwise there can be no true freedom of association, nor collective bargaining, because those who have been dismissed are not in any position to negotiate any kind of labour agreement because the enterprise has made them unemployed.

Without employment policies that will make it possible for every family to survive, without continuity of employment that gives the worker stability, without recognizing freedom of association, and without collective bargaining, the ILO, as a labour-dispute mediation body, will simply be deprived of its institutional *raison d'être*.

These are the urgent and pressing problems of the working class in Bolivia, and we express our vehement desire that the ILO, while working on technical and vocational promotion policies, should also exalt the very foundations of social peace rooted in social justice. By this, I mean that the changes taking place today punish the workers very hard, and we believe that the meaning of work is a humano-social process that transcends the private sphere of viewing the labour force as something that can be simply bought and sold. This is quite wrong because, through working, the employee reproduces the very life of the whole of mankind.

Mr. SIBANDA *(Workers' delegate, Zimbabwe)* — The globalization of world trade offers not only a number of possible opportunities for economic development, but also the greatest challenge to the developing countries, especially those in Africa. The reduction in barriers to trade, investment, information and technology has created an integrated world economy dominated by the rich multinational corporations. It is becoming clear that unrestrained free trade is magnifying the world's problems, especially in Africa. After the Singapore ministerial meeting it became abundantly clear that the ILO labour standards and its supervisory machinery have become the ground rules for liberalized world trade, so as to ensure a fair distribution of its benefits. Without this social dimension, the system will break down. Therefore the ILO's task is to ensure that globalization and liberalization of world trade promotes social justice, and that this is done through strict adherence to the core labour standards. The aim of the core labour standards is to confront the serious danger that some countries may, in an increasingly competitive and global market, seek to gain short-term advantage by abusing fundamental worker's rights. One of the primary aims of the social clause is to make it impossible for some irresponsible multinational corporations to play one potential host country against another in search of maximizing their profits. Universal adherence to the seven basic core standards would therefore prevent the most extreme forms of exploitation and cutthroat competition. The result would be to encourage a more sustainable process of foreign direct investment, which would bring increased benefits to the host country.

The success of the structural adjustment programmes which are being implemented in most African countries will depend on the ability to reduce and eliminate poverty, guarantee employment, equitably distribute growth, provide health and education for all, protect the environment, democratize decision-making, and expand human freedom.

For the ILO to stay abreast, protect the workers and remain relevant and topical in this world of growing changes in the organization of work, new technology, and globalization of economies, the ILO has to have an ongoing mechanism for examination of how the economic benefits of globalization are being translated into socially just development in all member States.

Globalization cannot be left to its own devices. Its benefits must be felt by the workers and it must not be associated in the minds of the general public with an increase in inequalities. Rather, economic progress resulting from the liberalization of trade should be accompanied by social progress, and the ILO should guarantee a greater universality in the application of its fundamental human rights labour standards. These fundamental rights are of significance in the context of globalization because they are instruments enabling workers to claim their fair share of the economic progress generated by the liberalization of trade.

The Heads of State attending the World Summit for Social Development in Copenhagen agreed on the need to promote these fundamental rights Conventions, and the Singapore ministerial meeting concurred that the ILO was the competent body to deal with and strengthen the human rights Conventions. It is therefore only logical that the ILO has to move the debate a step further, and put in place a mechanism that will not only commit all member States to the core labour standard Conventions, but also monitor all member States in their implementation.

(The sitting adjourned at 12 noon.)

Fifteenth sitting

Monday, 16 June 1997, 10 a.m.

President: Ms. Sasso Mazzufferi

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: The PRESIDENT (Ms. SASSO MAZZUFFERI) — Our agenda for this morning begins with the continuation of the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Original Spanish: Mr. CASTILLO MIRANDA *(Workers' delegate, Panama)* — It is essential to situate the time at which this Conference is being held, because in this way we can properly assess the responsibilities we face during our deliberations. The labour world as a whole is immersed in a period of assiduous application, of the neo-liberal model which has entailed an increase in poverty and has led to a reduction in state contributions for the development of social programmes. This situation, from a labour point of view, has contributed to a variety of forms of precarious employment and an increase in contract labour and has generally further emphasized conditions of inequality and social exclusion, rendering the economic and social rights of all citizens ineffective. This is a broad outline of the gloomy outlook overshadowing the workers' representatives assembled here at this important international Conference. The dramatic living conditions in which millions of workers throughout the world, and those I represent in particular, live compel me to stress two pressing facts. It is both essential and prudent that in our countries we consolidate and institutionalize the mechanism of social consultation as an appropriate way of introducing important social changes, placing particular emphasis on those of an industrial nature. In the particular case of Panama, I denounce as a violation of the principle of social consultation the recent approval of Legislative Decree No. 3 of 7 January 1997, which regulates the export processing zones which it has made into authentic labour havens. Legislative Decree No. 3 reformulated the outline that had been approved in 1996, with the aggravating factor that all the legal instruments relating to these processing zones have been the result of extraordinary legislative powers granted to the Executive with apparent justification, at which level the public and democratic viewpoint of Parliaments is disregarded. The special labour regime established by these legislative decrees eliminates, inter alia, the concept of collective bargaining to establish general conditions of employment; it cancels out freedom of association as the only effective instrument to defend workers' interests; it impinges greatly upon the exercise of the right to strike, subjecting it to extensive and stringent procedures, and even establishes monetary penalties of up to 500 balboas or dollars payable by the trade union leaders. This set of standards, without having to list them all, are an example of how the Government of Panama flagrantly violates the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). We request with all due respect that this denunciation of a violation which we have pointed out in all responsibility, be recorded.

We must highlight nevertheless that as regards the right to organize significant progress has been made which has been reflected in the recent affiliation of the National Federation of Civil Servants' Associations, the only organization of its kind, to the Central Workers' Organization "Trade Union Convergence" which has also recently been set up. This new affiliation did not encounter any opposition from the Ministry of Labour and Social Welfare. To this clear-cut recognition we add our request that the Government of Panama recognize the unrestricted right of all civil servants to freedom of association. As greater proof of this intent we request the Government of Dr. Ernesto Pérez Balladares, represented at this Conference by its Minister of Labour and Social Welfare, to ratify as quickly as possible the Labour Relations (Public Service) Convention, 1978 and to implement an administrative career system.

As far as the International Labour Organization is concerned the workers' group that I represent authorizes me to suggest that the proposed amendments to be made to the standards which are governed by the Constitution and structure of the ILO take due account of the profound changes which are occurring in the field of employer-worker relations, so as to guarantee the effectiveness of the fundamental rights of workers. Workers have been profoundly affected in all countries as unequivocal and undeniable signs of the subtle repression to which the trade union movement has been subjected as a result of deregulation and neo-liberal flexibility. We must likewise flag the need for all labour rights and guarantees to be incorporated into the regional and global conventions and treaties for integration and free trade which are introduced under the aegis of the World Trade Organization.

We wish to see the social clause become an instrument aimed at the observance of universally recognized trade union rights, connecting the main principles of the ILO to the process of trade integration.

As a representative of the Panamanian workers I categorically state that we will never tolerate that the proposals to restructure the ILO imply any negative consequences for the fundamental rights of workers.

The new century which is drawing near requires an ILO flying the flags of solidarity, social justice and the defence of workers' rights. We trust that there will be no hesitation nor undue compromise along this course from which the ILO must not waver.

Mr. ENGELBERTS *(representative of Public Services International)* — On Thursday last week we heard Mr. Wolfensohn say that "Unless you have sound social policies, you cannot have sound economic policies. That is crystal clear. Unless you have a solid base with the people, unless you are concerned with the rights of the individual, unless you are concerned with the elements of social responsibility and social justice you cannot have peace and you cannot have safe investing". Didn't we hear this before, two years ago, at the World Summit for Social Development in Copenhagen?

Weren't we happy that 116 Heads of State and Government singled out the ILO as having a special role to play in implementing the Copenhagen Summit's conclusions in the field of employment and social development?

Weren't we encouraged to read in the Summit's programme of action, in particular in Chapter IV on Implementation and Follow-up, that "nothing short of a renewed and massive political will at the national and international level to invest in people and in their well-being will achieve the objectives of social development"?

What happened with that political will? Was it again the usual empty promises of politicians?

I am speaking here on behalf of 20 million public service workers. In our day-to-day work we contribute to the well-being of people in all corners of the world. We are nurses and fire-fighters, electricity workers and child minders, civil servants and food inspectors, judges and social workers, hundreds of professional groups who earn our living by providing and delivering public services. We have a lot in common: we have first-hand knowledge of how public services can be improved and we are the ones to take the blame when services are deteriorating, cut or badly managed. We know a lot about the needs of the citizens.

And our vision of a future society is based on our experience as public sector workers. We realize that public services in many countries must be redesigned to better respond to the needs of the people and that this will take time. It will take time because, for many years, strong political forces have tried to destroy even the basic structure of public services for the people.

We thought that the Copenhagen Summit could have turned that trend around. But I must say what has happened since then has disappointed us because not many of the commitments have been followed up. And I feel disgusted by the degree of hypocrisy that has been shown by so many governments.

Oh sure, the final declaration of the World Trade Organization Ministerial Conference in Singapore renews the commitment of member States to observe internationally recognized fundamental labour standards and recalls the ILO's major role in defining and implementing such standards.

But any initiative from the Director-General of the ILO will be stifled, as we saw last Friday when 113 governments who had committed themselves at the WTO meeting to using the ILO to enforce labour standards have now rejected the attempts of the Director-General to do exactly that.

The most hypocritical behaviour of course was that of the Government of the Republic of Korea, by promising both the ILO and the OECD that it would bring its labour legislation in line with ILO Conventions. It did not and we know the results. The workers in the Republic of Korea got mad.

Mr. Wolfensohn said it last Thursday: "when they see that people in government or in the private sector are benefiting at their expense, they get mad".

Everybody knows about the corruption in the Republic of Korea in both government and the multinationals.

It seems that some governments are more interested in protecting the property rights of kleptocratic élites and corrupt transnational corporations than in protecting their own workers. Because in many countries in that region the right of association or collective bargaining does not exist, especially in the public sector, the workers are being treated as medieval serfs.

We welcome the commitments made by Mr. Wolfensohn, but after the Copenhagen meeting I must say that we want to see the evidence in practice that the changes he heralded are really going to happen.

This year's World Development Report of the World Bank is dedicated to the role of the State. And we have made some critical contributions to that report to underscore the notion of a more effective, agile State, where governments do not run away from their responsibilities towards society and where public service workers have the same rights as other workers. The same principle of course applies to the intergovernmental institutions, and my colleague from the Federation of International Civil Servants' Associations will go into further detail.

We are in favour of strengthening the ILO supervisory system to ensure universal application of workers' fundamental rights. All those governments that made all those fine commitments in Copenhagen and in Singapore should now in practice enable the ILO to supervise effectively all governments in their application of the relevant Conventions. But again, the promises seem to be empty.

If persuasion and moral values prove ineffective, governments leave us no choice but to organize the workers, to get really mad and to start using their power as consumers and voters, boycotting those countries and transnational companies that violate human and trade union rights and voting out of office those who support them, as have the voters in the United Kingdom and France.

Mr. KHAN *(Government delegate, India)* — I join the distinguished delegates in congratulating the President on her election as President of this session.

I would like to thank the Director-General for his Report. We share the concern to achieve social progress alongside economic development in the context of the ongoing globalization and liberalization of trade.

The ILO standards are indeed the instruments to achieve worldwide social progress. However, it is also true that these standards alone cannot produce the desired result and achieve the ultimate goal of full and productive employment for all. Empirical evidence on the results of globalization and the liberalization of trade does not show that workers' rights, welfare and social security have improved in the recent past. However, there is clear evidence to show that the employment situation worldwide has deteriorated, as was highlighted in the ILO's *World Employment Report 1996-97*. We would therefore emphasize that the focus should be on creation of employment and improving the quality of employment. Moreover, in the wake of rapid progress in scientific and technological development, new terms and conditions of employment are being set between the employer and the employee. These changes are inescapable and our labour standards should be flexible enough to adjust to the needs of changing times. We therefore believe that creation of jobs should receive a very high priority.

We are also aware of the fact that the subject of social labelling on exported products, as a consumer movement, is taking place in some parts of the world. This is neither a spontaneous nor a logical movement, but it is a motivated and orchestrated one, which is aimed at denying the comparative advantages achieved by the developing countries through negotiated trade agreements. Social labelling has the potential for misuse as a protectionist device. Further, we do not see any role for the ILO in intervening in this consumer movement and enforcing international inspection.

Social labelling has recently been used as a means to reduce the incidence of child labour. However, child labour needs to be addressed as a social and economic problem and programmes to eliminate child labour should be part of the "education for all" idea, and strategies to eradicate poverty and unemployment. Legislation, regulation and measures such as social labelling cannot achieve the abolition of child labour. We are aware of the magnitude of the problem in India and are fully committed to eradicating this social evil. We have decided to adopt a progressive, gradual and sequential approach for the elimination of child labour through a prioritized and concentrated process. We have launched a major programme to withdraw children from hazardous employment and put them in school, and to eliminate child labour from hazardous employment by 2002. The judicial machinery in the country is also fully aware of the problem. The efforts of the Government in the elimination of child labour are being strengthened by the recent judicial pronouncement of the Supreme Court. We are confident of achieving quantifiable results in the near future.

In most developing countries organized labour accounts for only a small fraction of the total workforce. The majority of the workforce is in the unorganized and in the informal sector; for them, labour standards are of distant relevance. The primary problems of the labour force in these sectors, which comprises an overwhelming percentage of humanity, are problems of unemployment, underemployment and intermittent employment, inadequate income and the absence of access to the basic amenities of life. Therefore, without minimizing the aims of standard-setting activities, I believe equal or more emphasis needs to be given to operational activities with a view to maximizing employment opportunities.

There is a legitimate feeling amongst many developing countries that the proliferation of these Conventions is burdening the national governments with so many obligations and so much reporting, for which adequate machinery does not exist in many of these countries. We do not want to say that the ILO should stop enacting labour standards. Our submission is that when we consider new subjects in the International Labour Conference with a view to adopting Conventions and Recommendations we should consider and examine the existing realities. These realities are: (i) widespread unemployment all over the world, in particular in developing countries; (ii) the majority of the workforce in the developing countries being in the unorganized sector; (iii) the lack of development in developing countries to promote a social security system comparable to those found in developed countries; (iv) the current emphasis on privatization and competition in a globalized market; (v) the cutthroat competition forcing employers to reduce the cost of the workforce; and (vii) the workers' concern for their jobs and social security.

Therefore, the agenda for the future sessions of the International Labour Conference should address these problems and find solutions without unnecessarily burdening the state enforcement machinery. Therefore, subjects for the adoption of ILO Conventions in the future should be specific to governing the labour market under these conditions.

Mr. MACHUNGWA *(Minister of Labour and Social Security, Zambia)* — Like previous speakers, I wish to place on record my country's warm congratulations to you, Madam President, and to the other Officers elected to steer the deliberations of the Conference. No doubt your stewardship will manifest itself in a successful Conference.

I take note of the various topics being discussed at this session of the Conference, mainly concerning job stimulation in small and medium-sized enterprises, contract labour and operations of the changing employment agencies. These are important issues and should no doubt generate positive debate through active deliberations, and will culminate in conclusions that member States can look to for guidance.

I have also taken note of the theme of the plenary debate for this Conference, namely *The ILO, standard setting and globalization*. Standard setting in the field of labour is a matter which has been at the centre of ILO programmes and activities. The ILO has excelled in this activity. It is heartening to note that the Singapore Ministerial Meeting of the WTO stressed that the ILO is the competent body to set up and deal with labour standards, and that this activity should continue to repose in the ILO. The ILO should therefore never relent in its responsibility in this area. On the contrary, the current demand for social justice places on the ILO a much greater challenge in the light of globalization, where comparison transcends national borders. It is to the ILO that all the social partners look in establishing employment norms and standards.

The ILO has established procedures that assist in the implementation of standards. It has put in place supervisory mechanisms that go towards promoting and ensuring the effective application of standards. Whilst the formulation of standards in itself is important, I consider that the application of such standards is much more vital because the impact of the standards flows from their application. The ILO should therefore expend more energy on ensuring the application of standards, particularly those standards that bear on human rights.

Zambia recognizes the importance of the core international labour standards. It also recognizes the need for more ratifications of these standards. I therefore suggest that the ILO should strengthen its resolve to promote these Conventions and persuade member States to ratify them. I wish to take this opportunity to inform this august gathering that Zambia has ratified all the fundamental standards, namely Conventions Nos. 29, 87, 98, 100, 105, 111 and 138. This demonstrates our commitment to the standards and the importance we attach to their application.

The Director-General in his Report has made reference to the possibility of subjecting the foregoing standards to the same supervisory machinery that is applicable to freedom of association. It is acknowledged that freedom of association and its standards are relevant to all member States by virtue of the ILO Constitution and the objectives and principles of the ILO. It is also acknowledged that the other fundamental standards are equally important. Zambia, however, does not subscribe to the idea of expanding to other standards the same supervisory mechanisms as demanded of freedom of association. It is our considered view that ratification of ILO Conventions should continue to be voluntary. Perhaps what the ILO should be doing more is to intensify its efforts to get member States to continuously review their positions on the core ILO standards, with a view to getting the States to ratify those standards. I therefore endorse the suggestion for more use of the facility in article 19(5)(e) of the Constitution of the ILO, particularly in respect of the fundamental ILO standards.

I have taken note of the preoccupation of the ILO with social progress. This is as it should be. The ILO was created out of the need to promote social justice in the workplace and it has been pursuing this goal since its inception. Today it is being proposed that the ILO should be giving "social labels" as part of its standard setting! It would be a drastic departure if the ILO were to adopt an arrangement of things whereby the ILO would undertake policing activities by way of inspections in an effort to award "social labels" to countries as an identification of compliance with some set of fundamental principles. This, in our view, constitutes a categorization for purposes of discrimination and interference in the flow of free trade. Our position should not be understood to mean that the standard is of no importance, nor that we do not want to honour the fundamental rights of workers. However, we believe that the current compliance mechanisms of the ILO are adequate for this purpose. The ILO should not be drawn into problems of international trade competition.

Finally, many developing countries, particularly those in Africa, are severely constrained by international debt. In quite a number of these countries, the debt level has been classified as unsustainable. As a result of this crushing debt, attempt to attain social justice are very difficult, if not impossible. The ILO must continuously and loudly advocate a solution to the debt question through its deliberations with multilateral institutions and leading creditor nations. In this regard, I would like to commend the Director-General for bringing to this session of the ILO the President of the World Bank , who addressed this session. This is an important part of pursuing social justice, a cause which the ILO has always stood for and should continue to fight for in all its activities.

Original Polish: Mr. WIADERNY *(Workers' delegate, Poland)* — Speaking for the first time on behalf of Polish employees, I wish to extend my sincere greetings to you, Madam President, and to the Director-General and his colleagues, and express my profound admiration for the work of the International Labour Organization.

Poland, which today aspires to become part of the European Community, is desirous of making a significant contribution to the fulfilment of ideas, programmes and conventions which encourage cooperation between employees, employers and governments. For Poland, European integration is a major opportunity to adapt our labour legislation to the standards existing in those countries which possess the highest level of economic development and most advanced systems of employee or worker protection.

I am proud to announce that a few days ago, Poland ratified a fundamental portion of the European Social Charter, which directly draws upon the ILO's legislative achievement and is a derivative, as it were, of ILO Convention No. 102. We consider this a great success by our country and by Polish employees.

Despite the divisions inside the Polish trade union movement which, at any rate, we in our trade union movement regret, the principles of neutrality, dialogue and social partnership are gaining more and more adherents and are already becoming accepted norms in society's consciousness. This is a difficult path to establish, and yet it is nothing more than a path that leads to the future. It will be to the benefit of those in this world who have nothing to sell but their knowledge and their work, and those who, thanks to their accumulated assets, are able to finance this development. Therefore, this dialogue between the world of labour on the one hand, and politicians, entrepreneurs and financiers on the other, according to the principles of partnership, seems to be a future which must provide all sides with the anticipated results.

Polish employees wish to raise more universal issues in the ILO forum than has been the case so far. For instance, the question of unemployment which was discussed in today's session. For us, this problem arose after 1989 and immediately dominated all other problems of the Polish labour market. We found ourselves faced with the globalization of the labour market, something which our country, a bridgehead between eastern and western Europe, fears particularly keenly with our course set for the twenty-first century, we must try to master this global problem which causes the greatest distress to potential workers, but also poses a major problem for governments and employers.

As far as we are concerned, we offer our sincere thanks for the aid received from the ILO and would request further aid. The assistance from the ILO head office and the work of the centres in Turin and Budapest is of enormous value to us. We ourselves are doing a lot and have already achieved the first initial results. Just as it is stated in the Declaration of Philadelphia, we reject the view whereby work is a commodity. Instead, we believe, in accordance with the humanitarian principles of human dignity, that work is a natural component of life.

We will support those ILO activities that serve to rationalize the process of job placement. This is of major importance which we realize as a result of our own Polish experience. We support the expansion of private job placement services in as far as these are not solely of a commercial nature. Polish trade unions are engaged in this very activity, striving to offer smooth support for the work of the State. We agree that creating the prerequisites for new jobs, especially in Central and Eastern Europe, depends no longer upon the heavy industries alone but also upon the creation of small and medium-sized enterprises. Until now the introduction of modern technologies to large plants has resulted in lay-offs and increased unemployment. Today we are faced with an opportunity to expand that sector of the labour hierarchy consisting of small and medium-sized enterprises. Nevertheless, these enterprises must be granted, at least during the initial phase of their activity, certain priorities in the Polish legislation so that they may survive the competition with the firms which already exist.

Finally, the question of contract labour. In view of the globalization of the labour market, this is developing into a serious problem. This type of labour is keenly sought by various firms and employers who employ workers without affording them suitable legal and social security cover, thus creating anarchy in the labour market. It is our conviction that this is a new method of exploiting workers which should be ruthlessly opposed. We will carefully monitor and combat this phenomenon, rendering our support to the efforts of the ILO which has demonstrated through its work that it is a forum for the harmonization of interests which often only appear to be divergent at first sight.

We all live beneath a single heaven and indeed the future depends upon our harmonious joint activity.

Ms. VALKONEN *(Workers' delegate, Finland)* — Let me first of all congratulate the President and the Vice-Presidents on their election.

I wish to take up three items from the Report of the Director-General: the strengthening of the supervisory system, the issue of social labelling, and the development of the standard-setting mechanism.

On the first one, I wish to state my support for the preparation of a declaration on the core principles. It is important now, after the Singapore Conference of Ministers of Trade, to reach agreement on the content of these principles. The point of reference should be the commitments of the Social Summit, held in Copenhagen in 1995.

Freedom of association, non-discrimination — which includes the principles of equality between women and men — and the abolition of forced labour and child labour are the core around which there seems to be universal agreement. It is important to recognize that they are an integrated set of principles. If one of them is not respected the others are seriously weakened.

However, negotiating a declaration for adoption a year from now is not enough. We have also to agree on what it would lead to. Modifications to the present system are needed so that it can cover the countries which have not yet ratified the Conventions on, or in fact against, discrimination and forced and child labour. I trust that the process can be undertaken in the Governing Body and everyone should approach it with an open mind.

It may well be in the end that no great changes in the system are needed. Improved procedures and adjustments to the present system could well be sufficient to assist all countries to meet their fundamental constitutional obligations.

I welcome the Director-General's invitation for a broad discussion on the issue of social labelling. We know from our home countries that the issue is being discussed more and more by consumers, enterprises, employers and trade unions. By reacting to the issue, the ILO shows that it is in touch with the real world.

It is clear that much confidence building has to be done and several kinds of dialogue are necessary. But there must be a starting-point. Some years ago there was no consensus in the ILO on moving ahead on child labour and, in particular, on new standard setting. The views of governments and employers have developed on that issue. There is no reason why views should not develop on the issue of labelling as well. This is a longer-term issue where all groups have a possibility to influence one another in a constructive positive way.

As to the different suggestions in Part II of the Report, I should like to say that the value of Recommendations which are independent of Conventions depends entirely on how they are followed up. They can have value if they are implemented in the different countries and if they lead to further action by the ILO. In some cases, a Recommendation could be a step towards a Convention later on, if there is not yet enough agreement or clarity on the issue. But it is to be remembered that, for instance, it has not been possible to follow up the Recommendation on tripartite cooperation with a more binding standard even though tripartism is what this Organization is about.

Consequently, I wish to warn against Recommendations which become a kind of dead-end road. But if there is a genuine will to achieve progress, and there is an understanding that each instrument will be looked at on its own merits, and will be followed-up, we will be able to look at our standard-setting mechanism in a different light than up until now.

The door to further development of the thoughts in the second part of the Report should not be closed. Still, the solution of whatever problems the standard-setting mechanism may have, is certainly not to stop making Conventions and start drafting Recommendations instead.

Original French: Mr. PARROT *(Workers' delegate, Canada)* — I would like to start by saying that I agree with the Director-General, when he reached the conclusion that, despite the promises and hopes that the liberalization of international trade offers, liberalization could risk grinding to a halt if the benefits of it for workers — male or female — are slow to show themselves and if it becomes associated in public opinion with growing inequalities or precariousness.

Globalization cannot be left to its own devices. As I said, I fully agree with the above statement, but I think that now it is up to the ILO to ensure that globalization and liberalization of trade promote social justice, in its deliberations and in its practices. The standards of the ILO ought to become the basic rules for world economy, in order to ensure fair distribution of benefits for workers in our economy.

Since the Copenhagen Summit and the Ministerial Meeting in Singapore last year, there have been great expectations on the part of workers and organizations throughout the world for the fundamental principles which are the base of the ILO to be regarded as top priority in all activities of the ILO.

For that, we support the idea of a declaration containing these fundamental principles, which would be adopted at one of the next sessions of the International Labour Conference.

However, we must not forget that the Declaration is not enough. We also have to think about reinforcing our monitoring system, and governments at the Summit in Copenhagen and the Meeting in Singapore very clearly indicated that the ILO must undertake that task of reinforcing the monitoring system and ensuring the application of fundamental principles of the Organization. We know that the International Labour Office and Organization would lose all credibility if we were not in a state to proceed with that. So we must not hesitate. That is also why governments spoke up using this language both in Copenhagen and Singapore and they should continue to use this language within the ILO in order to ensure a much more effective supervisory and monitoring system, so that it would be possible not only to say just some beautiful words, but equally to go beyond such words by ensuring that we will have a much more effective system for the application of all these fundamental principles.

And, of course, I would like also to emphasize that the other points stressed by the Director-General in Part I and also in the other parts of his Report are points which we, the Canadian workers, fully support and which we hope to see implemented in the very near future. Again, all these points could not of course bring all the hoped-for results if before that we didn't have a reinforced monitoring system as indeed is being discussed at present at the level of the Committee on Legal Issues and International Labour Standards of the Governing Body.

Finally, I should like also to say that although the Director-General kept his silence on the question of the social clause and decided to move back to the system of supervision and the means of implementing the standards which have been adopted, and particularly those that are fundamental, but at the moment in my country I have to say that the social clause is still an important element in getting there. We feel that this work must be continued. However, we must not forget that it is governments and employers who tell us that we have to be on a level playing-field, and I think that when they talk of a level playing-field, this must also apply to workers, male and female. We don't want to talk about competitiveness at the same level if we don't recognize the fundamental rights to which workers are entitled in all countries that are implied by international trade. We mustn't forget, once more, that it is up to us to ensure that those fundamental principles are being implemented, whether in the form of a social clause or by other means. The main element is that the competitiveness should apply also to workers on a level playing-field. As I often say, in my country we have no problem to compete with workers in other countries, so long as those workers in other countries have the same rights as we have — the right to organize, the right to negotiate, the right not to be victims of discrimination or put into forced labour or the right for child labour to be eliminated.

Putting all the above together, this is why, generally speaking, we support the Report of the Director-General, even if he doesn't talk about the social clause. We do hope very soon to see the Governments and Employers within the Governing Body and at future sessions of the Conference, coming to support strongly the development of a supervisory system of fundamental principles, as well as a declaration which would allow the recognition and explanation of these principles in an effective manner.

Original French: Mr. SUY (*Secretary of State for Social Affairs, Labour and War Veterans, Cambodia*) — Allow me first of all on behalf of the Royal Government of Cambodia and in my own name to extend my sincere and cordial congratulations to you, Madam President, on the occasion of your election to the 85th Session of the International Labour Conference.

I also wish to address to Mr. Michel Hansenne, Director-General of this distinguished international organization, my thanks for the highly appreciated Report on *The ILO, standard setting and globalization*, which is, of course, the basis for discussions at this major world Conference.

Certainly, standard-setting activities have always been the cornerstone of the ILO's activities and, as was indeed confirmed by the Governments participating in the Ministerial Conference of the World Trade Organization in Singapore in December 1996, it is the ILO which is the competent body for establishing labour standards and monitoring their observance.

We agree that it is necessary to strengthen the machinery for monitoring the observance of the core Conventions of the ILO on human rights, and we would ask the ILO to make a solemn declaration reaffirming universal respect of these fundamental rights of workers by all members, whether the corresponding Conventions have been ratified or not. Also the ILO, we feel, should revise existing standards in order to ensure that they are pertinent and effective in their application.

It is in this spirit that my country has just promulgated a revised Labour Code of 396 articles, which guarantee these fundamental rights, particularly freedom of association. Furthermore, in conformity with article 19 of the ILO's Constitution, we have submitted for examination to the Council of Ministers the following Conventions, Recommendations and Protocols: the Labour Administration Convention, 1978 (No. 150); the Safety and Health in Mines Convention, 1995 (No. 176) and Recommendation, 1978 (No. 183); the Protocol of 1995 (82nd ILC) to the Labour Inspection Convention, 1947 (No. 81); and the Home Work Convention, 1996 (No. 177) and Recommendation, 1996 (No. 184).

We are very satisfied that Convention No. 150 has been approved by the Council of Ministers and has already been submitted to the National Assembly for ratification.

Moreover, as we have all been able to observe, technological changes and qualitative and quantitative developments in the area of national manpower, particularly in developing countries, are quite remarkable now.

In order to meet the requirements of national and international markets, the effort expended on measures for greater social protection for these new and growing populations have allowed us to develop corresponding social measures on the same scale.

In Cambodia, in the light of this massive increase in national and international manpower and in order to guarantee rights and protection of the workers, our main priority concerns at the present moment are now the general demobilization of our army and the development of social policies in favour of single women, female heads of households and orphans.

Effective and substantial coordination and assistance provided by humanitarian associations has been remarkable, particularly in the field of vocational training and retraining.

The International Labour Office, through its Regional Office in Bangkok, has contributed its technical and professional expertise in organizing training seminars for our young executives in the field of labour inspection and labour administration. Recently a protocol of agreement between ILO-IPEC and the Ministry of Social Affairs, Labour and War Veterans of Cambodia has been signed, with a view to eliminating child labour for a period of five years, that is to say from 1997 to the year 2002. In addition, thanks to the technical assistance provided by France, we have been able to prepare the principal regulatory texts in order to be able to start the operations of our National Social Security Fund in the near future.

Our struggle against unemployment is beginning to bear fruit thanks to the publication of our investment code, which provides obvious advantages within the framework of the repatriation of capital and profits. In the area immediately around Phnom Penh, our capital, one can observe some 50 clothing factories producing garments for the world market.

Thousands of women have been able to find work, including female heads of household and single women. We now hope that we shall shortly be able to move out of this phase of economic underdevelopment, so that we may find ourselves on an equal footing with other countries in the region.

In conclusion, in the name of the Royal Government of Cambodia and on my own behalf I would like to thank you Madam President for the excellent organization of this Conference where the active cooperation and collaboration of all the participants has also played an important role.

Original Hungarian: Mr. FOCZE (*Workers' delegate, Hungary*) — Allow me first of all to congratulate you on your election to this important post, and also the Vice-Presidents. I am deeply convinced that, with your assistance, significant progress will be reached towards the development of labour relations.

In my homeland, the Republic of Hungary, the institutions of democracy are functioning, a market economy has been established through privatization, the tripartite reconciliation of interests has already been working for seven years. A relatively acceptable legal environment is provided to employees in the fields of employment, training, occupational safety, labour inspection and other areas.

Government bodies, however, are in many cases under pressure to recognize and control labour law regulations.

Hungary today is free, but poor. Employees are affected by unemployment, reduced social services and a high rate of inflation, but also, in several cases, by the violation of workers' rights. Trade union responses, however, are weak. An acceptable climate at the workplace is rare.

The agenda of the 85th Session of the International Labour Conference is an important one.

We are in favour of the implementation of labour rights which is an important element of human rights. We support the concluding of an agreement which improves the development of job creation in small and medium-sized enterprises. We consider, as an important issue, to draw up an agreement to improve the conditions of contract workers.

The Republic of Hungary wants to join the European Union. This intention is strongly supported by workers' representatives.

Daily, we feel and highly value the assistance given by the international trade union movement, the ILO and the ILO's Central and Eastern European Team, which is based in Budapest.

We demand that the Government of Hungary take several measures to promote jobs and to improve employees' social conditions.

We also require that the employers' associations take effective and well-organized measures against any employer who does not recognize the importance of proper industrial relations.

I am convinced that our common efforts will be fruitful.

Mr. OBEEGADOO (*Minister of Labour and Industrial Relations, Mauritius)* — On the threshold of the third millennium, we are indeed in a paradoxical situation. On the one hand, growing globalization characterized by more openness and greater capital mobility is offering unprecedented opportunities for economic expansion. On the other hand, stiff international competition and economic restructuring is exerting a downward pressure on wages and labour standards and entailing the downsizing of the workforce with the extension of poverty as a further consequence.

In that context, and on behalf of my delegation, allow me to congratulate the Director-General for his Report which has provided a most stimulating and thought-provoking basis for discussions at the present Conference on the ILO's role within the new international situation.

Who would disagree with the philosophical premise of the Report that globalization is not, and cannot be, an end in itself and should therefore not be left to its own devices. Indeed, if the less developed countries are not to be swept off their feet by the whirlwind of globalization, the formidable energy unleashed by the liberalization of the world economy and the globalization of markets must be harnessed to serve the needs of humanity as a whole. Fairness and equality of opportunity should be central values underpinning a new world order as reflected both in relations between nation States and within the individual States. Hence, the agreement of Mauritius to lend itself to a case-study of the social implications of globalization and trade liberalization to be conducted by the ILO.

My country, the Republic of Mauritius, has experienced continued economic growth over the last two decades. To face up to the future, Mauritius is presently engaged in a gradual process of labour market reform and in a far-reaching revision of its labour legislation which should allow for the ratification of the three outstanding ILO core Conventions in the course of next year. The ongoing process of reformulating an appropriate industrial relations framework in response to national needs in a global context is based on tripartite consultations with the social partners and also addresses the related issues of gender equality, workers' participation, and occupational safety and health.

The Government of Mauritius welcomed the conclusions of the 1995 Summit for Social Development in Copenhagen. We consider that the final Declaration of the 1996 WTO Conference of Singapore further clarified matters. Yet, the central question facing us remains how to reconcile the recognition, on the one hand, that the level of social protection within a country is a function of its economic development, with the acknowledgment, on the other hand, of the universal character of fundamental workers' rights. In other words — and this is a central point on which the consensus needs to emerge — how do we ensure that the ILO serves not as an instrument to compensate for or to even mitigate the comparative disadvantage of some countries but rather to ensure that globalization delivers on the promise of social progress.

We reaffirm, in line with the OAU position outlined by earlier speakers, our commitment to the universal adoption of the seven core Conventions and our belief in the need to strengthen the supervisory mechanism essential to attain that objective.

In March of this year, during the deliberations of the Governing Body, Mauritius suggested that a declaration embodying the fundamental principles of the core Conventions be adopted so as to give a new impetus to the drive for their ratification of implementation without contravening the principle of voluntary adherence by member States. We further suggested that regional monitoring and evaluation mechanisms be set up by member States themselves, to be coordinated by the multidisciplinary teams in collaboration with the area office. We believe that such a mechanism, by being closer to the sensitivities and specificities of a given region, would allow for a better appreciation of the obstacles to ratification while turning the multidisciplinary teams into a more supportive instrument of ILO's work in the field.

We believe that viewed in this light, the Director-General's proposal of a solemn declaration in 1998 reaffirming universal respect by ILO member States for fundamental workers' rights could be acceptable to all and should accordingly be further discussed to clear all ambiguities which have led to some reservations being expressed.

However, the idea of an overall social labour is a noble concept fraught with difficulties and risks not only for the less developed countries; this, indeed, might be premature.

Mauritius shares the view that the pace of change on the world scene and the fall in the rate of ratifications of ILO instruments lately, do call for a review of the standard-setting procedures of our Organization. We welcome the Director General's proposals in favour of a more discerning approach to standard setting so that practical relevance and enforceability are made essential criteria for selection. In a similar vein, we would support the proposed codification of instruments and most importantly, the introduction of a mode of evaluation — systematic and objective — of existing instruments.

When all is said and done, what matters most is the exercise of consensus building as to the way forward for the ILO. To that end, it is essential that all should comprehend the apprehensions of the less developed countries that their one major source of strength — their comparative advantage in specific areas of international trade — could be undermined by the universal application of labour standards if ratification is either removed from the ambit of the national decision-making process or the pace of ratification determined without consideration of national realities. In a new world economic environment made up of untold dangers, where the pitfalls are many and where the uncertainties of international competition bear heavily on the poorer nations, these affairs need to be addressed.

Yet, it is obvious to all that with the advent of globalization, never before has the ILO been more important and more relevant to the needs and aspirations of working people around the world.

May I express the wish that this Conference will serve its purpose in laying the basis for a consensual perspective enabling the ILO to pursue its historic mission in a fast-changing world — the potential of which must, of necessity, be mastered to serve the common good of mankind.

Ms. CHITAURO *(Minister of the Public Service, Labour and Social Welfare, Zimbabwe)* — Allow me to commence my remarks by congratulating you Madam Keltošová, upon your election as President of this session of the Conference. I am particularly gratified to note that your election is a manifestation of the ILO's commitment to its principle of non-discrimination on the basis of gender and am highly confident that you will guide the deliberations of this session to a successful conclusion as you have so far excelled exceedingly well in this regard.

I wish to register my strong appreciation for the efforts of the ILO in addressing the complex problems in the world of work since the last session of the Conference as outlined in the report of the Chairperson of the Governing Body. I am particularly happy to note that, pursuant to the mandate derived from the Copenhagen Social Summit, the ILO is making strides in carrying out country employment policy reviews from which we can all draw vital lessons from the various experiences of the countries covered. I particularly applaud the ILO's resolve to involve and liaise with other agencies in this sphere, such as the UNDP and UNESCO, in order to further enrich the outcome of this noble endeavour. Indeed, the ILO's activities in other areas such as child labour, migrant workers, enterprise development, standard setting and gender discrimination are highly commendable. I particularly welcome the lead of the ILO in the United Nations Administrative Committee on Coordination Task Force on Employment and Sustainable Livelihoods in facilitating the setting up of the Permanent Inter-Agency Committee on Women and Gender Equality. It is my hope and wish to see this Committee being accorded all the possible support by the international community to enable it to effectively accomplish its task.

The continuing liaison between the ILO and the Bretton Woods institutions is indeed most welcome, as both the Organization and the institutions seek to improve the welfare of humanity in our small world, especially in this era of globalization of the international economy and its repercussions in the world of work.

I was most impressed by the commitment of the World Bank, as intimated by its President, Mr. Wolfensohn, in his address to this Conference, to assisting in the socio-economic development of all nations. My only wish would be to see such commitment being translated into effective, concrete and practical policies aimed at alleviating the plight of the poor. In this connection, I strongly reiterate my remarks from last year that for both the ILO and the World Bank to achieve meaningful progress in this sphere, there is need to reappraise the Bretton Woods institutions' policies regarding debt, foreign direct investment and the impact of programmes such as structural adjustment programmes on socio-economic development, especially in developing countries.

In the same vein, I urge both the ILO and the Bretton Woods institutions and, indeed, all other relevant international players in this field, to lend serious thought and consideration to liaising likewise with regional actors involved in the socio-economic and labour spheres. I strongly urge the establishment of firm links with regional organizations such as the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS) and the Economic Community of Eastern and Southern African States (COMESA), to mention but a few, with a view to assisting their member States to achieve regional economic integration and to serve as a conduit for economic development and the attainment of social justice. The ILO should focus on further strengthening the capacity of regional organizations such as the African Regional Labour Administration Centre (ARLAC), which are so instrumental in facilitating the implementation of international labour standards. I highly value and appreciate the ILO's assistance to the African region, particularly in enhancing its capacity to uphold the ILO's ideals and principles. It is in this context that I call upon the ILO to assist the African region in organizing its proposed seminar on child labour early next year. I remain hopeful that the ILO will find this appeal to be in the best interests of its constituents, especially when considering that the proposed seminar will be a vital prelude to our discussions on the Convention on child labour in 1998 and 1999.

The focus and thrust of the ILO Director-General's Report this year is indeed a point of great interest and concern. For a while now, the trend of globalization has exercised our faculties, and I share the Director-General's view that it is now time for us to appreciate the impact of globalization on the mainstay of the ILO's activities, namely standard setting and supervision. Since 1995, the ILO, through the Working Party on the Social Dimensions of the Liberalization of International Trade and the Committee on Legal Issues and International Labour Standards, has been debating this issue. From the debate various suggestions have emerged as to how we can proceed in pursuing the matter. I wish to note that there is indeed universal consensus among all social partners on the need to revamp international labour instruments to make them more effective. One acceptable way identified has been the abrogation of obsolete standards; and the other way, which I find quite appealing, is the revision of those instruments deemed essential in order to eliminate some archaic provisions contained in them. Both approaches are indeed most welcome to my delegation.

However, in the same deliberations I have cited, there was a clear rejection of linking labour standards to international trade for the obvious and simple reasons that such a linkage could very well be utilized to pursue protectionist tendencies. The suggestion by the Director-General to introduce a system of social labelling is, in my view, a tacit proposal to reintroduce the rejected social clause. I am not convinced that social labelling would be for information only, as the Director-General would want us to believe, but that some among us would want to use it to effect trade measures against others.

It is quite apparent that such a system of social labelling would be tantamount to imposing economic sanctions on those failing to secure it, while rewarding those who win it, with essential markets for their products; especially in this era of socially and economically conscious consumers. I agree with the Director-General on the need to enhance the credibility of our Organization, but I believe that this surely cannot be accepted as a way forward in this regard.

Having said that, I want to highlight the need for us to pursue other ways of enhancing the implementation of international standards. Let us, first of all, dwell on those standards which we have identified as supreme in upholding workers' rights; of course taking into account the interests and expectations of other social partners. In this connection, the most important step is to identify the reasons for member States' failure to ratify these standards, address the problem areas and establish ways of overcoming them. In doing so, we must bear in mind the different levels of development prevalent in today's world and should also realize that failure by some to ratify and implement international standards does not mean lack of political will to do so: it might very well be due to lack of administrative, technical and financial capacities to do so. It should therefore be imperative for the ILO to assist member States so incapacitated; and in so doing, as well as through a continual process of revision of standards.

Zimbabwe's commitment to the objectives and principles of the ILO is unwavering. Indeed we are making progress towards the ratification of the core Conventions. In addition to the nine Conventions we have already ratified, two of the core Conventions, namely, the Discrimination (Employment and Occupation Convention), 1958 (No. 111) and the Right to Organise and Collective Bargaining Convention, 1948 (No. 98), are now before Parliament. The other three Conventions on forced labour and freedom of association need constitutional amendments before ratification, and this is under way.

In other areas, Zimbabwe has also developed a Code of Conduct on AIDS at the Workplace seeking to protect workers with HIV against discrimination. We have also legislated a statutory instrument on child labour which seeks to protect children and young persons from labour-related abuse. However, in so far as child labour is concerned, Zimbabwe is looking forward to the discussion of a possible Convention in 1998, but we remain hopeful that in preparing for that discussion, focus should be placed on a clear and precise definition of what constitutes child labour, taking into account the different socio-cultural traits in our societies; hence the importance of the seminar on child labour.

Madam President, let me conclude my remarks by wishing you all the success in guiding us in our deliberations at this session of the Conference.

Original French: Mr. NIDELCU *(Minister of Labour, Social Welfare and Family, Republic of Moldova)* — Allow me on behalf of the delegation of the Republic of Moldova, to greet all the participants in the 85th Session of the International Labour Conference and to extend our best wishes for a fruitful and successful meeting.

I avail myself of this opportunity to express our satisfaction to Mr. Michel Hansenne, Director-General of the International Labour Organization, who has very wisely chosen items for the agenda of this session that are highly topical and of major importance for all the countries of the world.

The Government of my country, Moldova, is doing its best to promote and apply social policies that are appropriate to a period of transition. We are endeavouring to bring our legal framework into line with international standards and are taking effective measures to resolve our labour market problems and to guarantee social protection for the poorest segments of the population.

The Conventions and Recommendations of the ILO are very useful. Currently Moldova has ratified 13 Conventions whose provisions are part of national policy. Seven more Conventions have been submitted to Parliament and we are examining the possibilities of ratifying other ILO Conventions, specifically those concerned with workers' rights, fundamental freedoms and social protection.

To regulate the labour market and combat unemployment, the Government draws up and implements national and local manpower programmes each year which include measures to hire the unemployed.

Problems are dealt with on the basis of social tripartism, which is a civil conciliation system, but regretfully the results obtained are very modest indeed because of our economic and financial difficulties. Throughout this extremely difficult period, our country has benefited from the assistance of the European Union, through the TACIS project, the ILO and other international organizations.

The Report of the Director-General of the ILO, contains specific proposals to ensure respect for workers' fundamental rights to a decent living standard and to appropriate social guarantees in the context of the liberalization of trade and the globalization of the economy. Our delegation considers these proposals to be essential, as we are fully aware that in the current situation and with a view to fulfilling its functions and meeting the basic objectives enshrined in its Constitution and the Declaration of Philadelphia, the ILO must analyse and review systematically all the standards adopted until now, abrogate Conventions which do not correspond to present-day requirements and renew, draw up and adopt new standards adapted to current reality.

For countries in transition to a market economy, the Conference agenda items on the promotion of socio-economic policies and policies to regulate the labour market, including job creation in small and medium-sized enterprises and contract labour, are particularly relevant.

In the light of the above-mentioned facts, we are in favour of extending the influence of the ILO and of the promotion and implementation of social policies geared to the globalization of the economy, and the Republic of Moldova endorses the principles and measures proposed by the ILO.

To conclude, allow me to express once again all our respect for the ILO and the will of my country to promote and apply the decisions and conclusions arrived at by the present Conference.

Original Russian: Mr. CHTCHERBAKOV *(representative of the General Confederation of Trade Unions)* — May I start by echoing my predecessors by warmly congratulating the President on her election to her important and lofty post.

The subject of this session of the Conference is of extreme importance for the future of the ILO itself. It would be no exaggeration to say that the preparation and adoption of international standards constitute the heart of the ILO's activities. The destiny of the Organization is linked to the continuation of these activities.

We fully agree with the assessment of the world situation given in the Director-General's Report. Globalization, the liberalization of trade, and the formation of regional and economic groups all call for careful examination by States of their responsibilities vis-à-vis social progress and the protection of human rights, in particular workers' rights. But these radical transformations do not have only positive effects; there are also adverse social consequences, a lowering of living standards and a weakening of the social protection system for workers.

This is a matter of concern for the future of the ILO, which is an Organization responsible not only for defending the principles of equity, but of everything relating to the world of work. It is essential for labour standards to be adopted as internationally recognized instruments with the character of a world labour code.

That is why we fully support the idea of strengthening tripartism, especially as regards follow-up activities. As regards the preparation of a social label, we have some reservations given the major economic differences which exist throughout the world.

As regards the promotion of Recommendations, the idea is interesting, but we do not understand the reference to the fact that regional economic blocks acquire the functions and character of a federative State. We are convinced that economic integration should be above all a matter which falls within the competence of States, which must assume their responsibilities concerning social development.

We therefore believe that there are conservative groups which are trying to reduce both the role and the work of the ILO. We saw this in the attitude of the Employers regarding the proposed Convention concerning contract labour. But we shall not sit back with our arms crossed. And that is why the trade unions of the CIS fully support the position of the Workers' group; as reflected in the document entitled *The ILO at the dawn of the 21st Century*, which we believe reflects the position of the international trade union movement.

As regards the role of the ILO and the conclusions of the Copenhagen Summit and the WTO Ministerial Conference in Singapore, we believe that the conclusions should be implemented, particularly as regards the supervisory machinery, so that the ILO does not become merely an advisory body. We want the ILO to be a powerful organization, capable of helping the world of work so much in need today.

The ILO is embarking on the path of reforming its structures and bodies. We believe that this should be done on the basis of an active partnership, the establishment of MDTs, the determination of very clear priorities within the context of the ILO's universal character and tripartism.

We are very grateful to the ILO for its assistance which it has provided, and in particular to my trade union, but we are concerned about the problem relating to Convention No. 95. We should also like the ILO to deal with the problem of investments in the countries of our region.

We thank the ILO for its help and wish it success in the preparation of standards which are indispensable to the social and economic development of our young countries. We are counting on continued ILO assistance. Our trade unions are ready to cooperate with the ILO, of which we have so much need.

Mr. VENUGOPAL *(Workers' delegate, India)* — Madam President, I heartily congratulate you on your election as the President of the 85th Session of the International Labour Conference, on behalf of the people in general and workers in particular of the great country of India. The Workers' group of the Indian delegation has gone through the very valuable Report of the honourable Director-General of the ILO on *The ILO, standard setting and globalization* and I stand before this august audience to assess the Report on its important aspects in the light of the situation obtaining in Asian countries in general and India in particular.

This year we are meeting at a most crucial juncture. For the first time since the formation of the ILO, we are confronted with a deadlock. Every problem has its roots in psychology. Unfortunately, rightly or wrongly, the workers and the peoples of the Southern countries have become apprehensive about the ulterior motives of international financial corporations and the governments of modern developed countries supporting such corporations. They are apprehensive that the new moves brought forth by the Northern countries are only a pretext to impose their economic imperialism on the Southern countries for purposes of strengthening their own economies. We think that no further progress is possible unless this distrust is first removed, and we think that the ILO is the only international organization that can serve this purpose effectively. A new international order cannot be brought into being unless the ILO addresses itself seriously to this task. Workers of Southern countries will cooperate with the ILO for implementing any scheme which can initiate a new era without eroding the independence and sovereignty of their countries. On behalf of my country I assure you of our sincere cooperation with the ILO in this laudable objective.

It is clear from the Director-General's Report that the attempt is being made to have an instrument which "could take the form of declaration or charter adopted by the Conference ..., though it could even be a Recommendation accompanied by a follow-up procedure, to serve the promotional purpose which we are seeking to achieve". It has also stated that "there is no reason why the means of supervision should not be spelled out in the instrument itself ... and that this follow up could, for example, take the form of a regular report by the Director-General on 'social progress in the world'". On the whole, the ILO's stand on social labelling, product labelling, etc., may give rise to protectionism, and this is going to be a unilateral decision if it comes.

We feel that, in addition to several ILO standards becoming increasingly unrealistic in relation to the conditions prevailing in developing countries, this system of monitoring already adopted by the supervisory body of the ILO is unduly legalistic and rigid in approach. There is undue pressure exerted by certain over-enthusiastic international organizations of trade unions through complaints of infringement of freedom of association and non-observance of certain labour standards, without taking into consideration the relevance, the state of economic development of a country, the available infrastructure to process and facilitate the ratifications, etc. So we feel it should be left to the central trade unions of such countries who know the situations obtaining there, to bring pressure on the governments to ratify Conventions as and when necessary. For example, BMS, my own organization, had, as early as 1969, itself begun to impress upon the Indian Government the need to ratify Conventions Nos. 87 and 98 in the National Charter of Demands submitted to the President of India on 17 November 1969.

We are very much in agreement with, and also appreciate the stand of, the Director-General, that nothing short of renewed commitment to full employment is required to reverse the trends of increasing unemployment and underemployment in the world. This trend is now being seen to some extent even in some developed countries. But at the same time, we are opposed to the system of a "global social label" to be awarded "to countries which show comprehensive respect for fundamental rights and principles, which agree to submit to reliable and legally autonomous international inspections". We believe this system will, in future, subject the developing countries to fall under pressure from countries which control the WTO. We would request those who advocate such measures to reasonably and sympathetically understand the ethos and systems of the developing countries before subjecting them to any type of pressure.

Our Government and trade unions are faced with two huge tasks. One is the rehabilitation of thousands of workers who are being displaced because of the order from the Supreme Court to close polluting chemical manufacturing units. The problem of relocation of such industries, modification to reduce atmospheric pollution, and rehabilitating the workers in the new areas, are huge tasks. The next one is, of course, the question of child labour. Here also the Supreme Court has ordered payment of big lump sums by both the employer and the concerned Government per child, to be put into a corpus fund for the education of each child. Now our Government has alerted all the district officers throughout the country of the need to implement the order of the court.

Additionally, the number of NGOs and all important trade unions centres are conducting projects for the elimination of child labour under IPEC and/or other schemes, and also awareness-raising programmes through mini-projects and workshops.

Indian trade union centres are also active in the Tripartite Convention Committee set up by the Government to review the working of ratified ILO Conventions and to consider further ratifications.

Mr. EVANS *(representative of the Trade Union Advisory Committee to the OECD)* — I am glad to have this opportunity to address this Conference on behalf of the Trade Union Advisory Committee (TUAC) to the OECD. The OECD is a governmental organization but through the TUAC working people do have a chance to get their voice heard in governmental debates and to remind governments of the issue which is at the forefront of the Director-General's Report to this Conference — and indeed at the very heart of the vocation of the ILO itself; namely how to re-link social progress and economic development in a globalizing world.

For some the benefits of this globalizing world are very evident; corporate profits are up to record levels, executive salaries are up or rather sky rocketing. But almost all of our countries are facing a social crisis. Unemployment is at an unacceptable level of 36 million in the industrialized OECD countries. Working poverty is growing. The downsizing of corporations is destroying the bonds of trust between employers and their workers. In the developing countries more than 1 billion people still live in poverty and one-third of the world's total labour force is unemployed or underemployed. Some countries are being bypassed by economic development. And indeed world poverty is now the biggest threat to world peace. Developments in some of the most successful newly industrializing countries has also shown that the social crisis is not just a Western phenomenon. The strike movement in the Republic of Korea in January of this year showed that workers in Asia are not prepared to accept a return to the old authoritarian methods as a response to globalization.

The global economy does of course have the potential to offer the benefits of development to the whole world and all members of society. We could achieve a new global age which offers a chance of achieving growth with equity. However, this opportunity and potential will be squandered unless collectively we put in place a "social dimension" to globalization. Governments have to coordinate their policies, they must balance global markets with an evolving system of governments which can enforce basic labour rights and ensure that the more broadly defined labour standards rise in line with development.

The Secretary-General's report — and indeed the very vocation of the ILO — is a key element to this debate. However, the task is wider; we have not only to convince ourselves and labour ministers — the labour representatives here in this room. We have to convince the Finance, Economics and Trade Ministers that meeting this challenge is crucial to the well-being of both of our societies and our economies. We can no longer afford a situation in which finance ministers and central bankers create or tolerate mass unemployment as a "price worth paying" for other policy objectives and in which labour ministries are supposed to apply palliative measures, or worse roll back civilized social standards in a search for competitiveness. That is one reason why growing cooperation between the OECD as well as the Breton Woods institutions and the ILO is essential. I believe the political changes of recent weeks in the European G7 countries will make that task easier.

Cooperation between the ILO and the World Trade Organization is, of course, crucially important in the light of the important outcome of the Singapore Ministerial Meeting of the WTO last December, because trade and investment are the transmission belt of the global economy. Last year's OECD study on trade, employment and labour standards has shown that the enforcement of core labour standards is not a barrier to economic development and competitiveness. Respect for core rights does not remove the legitimate competitive advantage of developing countries. So the time has come to eradicate the appalling abuses of worker's human rights which are still appearing often in so-called "export processing zones" and "special" zones springing up around the world. We have to stop the misguided but very real "negative policy competition" between some governments to attract foreign investment through the suppression of labour rights. The OECD's Multilateral Agreement on Investments, still under negotiation, must have a binding labour clause referring to core ILO Conventions as well as the incorporation of OECD Guidelines on Multinational Enterprises.

Some speeches from this rostrum on this subject this week and indeed the report from the G118 group of "unaligned" countries, have sounded like a gramophone record which has got stuck. The OECD report found a positive two-way relationship between trade and labour standards. This should give us all scope to have a constructive dialogue on the suggestions in the Director-General's Report and on cooperation between the ILO and WTO secretariats as mandated in Singapore.

All OECD members are Members of the ILO. OECD membership is expanding as more countries apply and say that they share the common OECD features of market economy, pluralist democracy and respect for human rights. But our view is that all OECD members have to respect all of those features and notably core labour rights. It is for that reason that TUAC insisted that countries such as the Republic of Korea, which have had freedom of association violations condemned by the ILO, reform their labour legislation before they joined the OECD. The events which have occurred since then in the Republic of Korea have confirmed how right we were. For TUAC core ILO standards are not an optional extra; they are the foundation of the international economy.

I began by saying that the ILO's vocation was to relink economic development and social progress. In a more globalized economy it now has to seize the opportunity which is presented to it. I believe the ideas in the Director-General's Report begin to do that; we must all support it.

Mr. ETTY *(Workers' delegate, Netherlands)* — Discussions in the plenary on the Report of the Director-General never were a favourite of my delegation at the Conference. We do not see much sense in giving a speech for the record, with only a small group of friends and loyal compatriots (and of course the Director-General) taking an interest in what we have to say. It would be interesting to have a real debate and not a series of pre-prepared speeches, but obviously that is difficult to organize.

We are participating in this year's debate for two reasons: first, we feel that the subject is of importance; and, second, we are aware that it has prompted much discussion both within and outside the Conference Hall. As regards the latter, we have the impression that next to war and love there is now a third area of human activity where virtually everything is permitted, i.e., the debate about the link between international labour standards and trade. And we deeply deplore that. What may be inevitable in war and love can — and should — be avoided in a political debate, and certainly in a debate which is taking place at the ILO.

The Netherlands Workers' delegation does not hold the Director-General responsible for what has happened during the present session of the Conference in this respect.

We think that the Director-General has presented us with a document which quite adequately responds to the challenges facing the ILO, both within and outside the Organization.

The Director-General invited reactions from the ILO constituents in a frank, open and balanced way, remaining quite scrupulously within the Organization's mandate and raising questions which have already been debated for some time by governments, trade unions and employers' organizations, as well as by other interested parties outside the ILO.

Furthermore, the Director-General formulated a number of proposals in a broad and general manner, in order to give some guidance to the debate here and in the Governing Body in the very near future. There is nothing wrong with that. On the contrary, if he had failed to do so, many delegates would have called him a "bloodless bureaucrat".

Despite these efforts, which he has made in a competent and a dignified way, and which we can support in many respects, he has been misrepresented by several previous speakers. For instance, he does not introduce an untenable link between labour standards and trade; neither does he embrace protectionist approaches that link trade with labour standards, try to create a new mandate for the ILO or set out to equalize the remuneration of workers worldwide. These are just a few of the allegations made against him.

Five minutes is not enough time to counter these allegations. But I am sure that the Workers' group in the Governing Body will do so convincingly later this year. They will certainly also underpin the four theses with which I shall conclude.

First, if all the member States of the ILO had ratified the fundamental human rights Conventions of the Organization and applied them faithfully in law and practice, the whole debate about the social clause in the WTO would probably never have come up.

Second, those Governments which stated at Singapore last year that the ILO was the competent body for dealing with labour standards — and particularly those among them who said that the ILO must be strengthened — should support the principle of universality of these human rights standards and contribute positively to efforts to strengthen the supervisory system of the ILO.

Third, as regards social labelling, the Director-General rightly pointed out that a large number of related initiatives are at present being taken outside the ILO and will continue to spread — whether we like it or not. This is precisely an area in which the ILO should try to bring about some order and transparency in the debate — and the time is ripe for such action.

Fourth, and in conclusion, the Director-General's proposal to have greater recourse to Recommendations seems a little out of touch. One positive exception to this is the idea to use Recommendations as a stepping stone towards a Convention on a particularly difficult subject. But the proposal seems out of touch with the political realities which member States have created with regard to Recommendations — which will be very difficult to change.

But this comment also applies to the supervisory system and its present problems. Apparently many member States cannot even cope with the reporting obligations they have as regards the ratified Conventions. Would the Committee of Experts be able to cope with the considerable extra workload the Director-General's proposals imply for them?

As regards the Conference Committee on the Application of Standards, I need only refer to the severe constraints under which it has to do its work now that the Conference has been shortened. This proposal of the Director-General is interesting but rather for further developing in a fairly academic setting rather than for coping with the realities of the ILO today.

Mr. SUNMONU (*representative of the Organization of African Trade Union Unity*) — I join those who spoke before me to congratulate the President and other Officers of the Conference on their well-deserved election. I also congratulate the Chairman of the Governing Body and the Director-General of the ILO for their Reports to the Conference.

African workers and trade unions of all trade union tendencies that constitute the Organization of African Trade Union Unity (OATUU) are unanimous in their desire that the ILO should be strengthened by all its tripartite members to enable it to continue to assert its moral authority worldwide, in its area of competence. As the most unique, representative and democratic among the United Nations agencies, the ILO deserves to be given all the moral, financial and diplomatic support it can, particularly by all the member States and the employers' and workers' organizations.

Globalization is bringing in its wake new economic and social problems which should be urgently addressed before the world is faced with disaster — which can be avoided. Some of these problems include: the increasing gap between the rich and the poor, both among countries and within countries; the intolerably high unemployment in most countries, rich or poor; the undermining of the role and authority of the State; the increasing absence of social and economic justice within and among countries; insatiable corporate greed; and the violation of human and trade union rights, etc.

It is against this background that I want to comment on the Report of the Director-General, *The ILO, standard setting and globalization*. If the ILO is to remain credible and retain its moral authority, it has to influence other United Nations agencies and international organizations, particularly the international financial institutions, and persuade them of the need to prioritize the elimination of poverty and the integration of social justice in all their economic and social programmes.

The ILO should also market its basic needs strategy of development. This is the only way to arrive at a sound social policy without which, to put it in the words of the President of the World Bank, Mr. James Wolfensohn, in his address to this Conference last week, there can be no sound economic policy. The ILO should distance itself from policies of international agencies that increase poverty, unemployment and debt, which are the main ingredients of social instability.

The OATUU notes with satisfaction the role of the ILO in the strengthening of tripartism in Africa, the invaluable assistance the Bureau for Workers Activities is giving to workers' education in our continent and the measures taken by IPEC to combat child labour. The multidisciplinary teams have also been assisting and strengthening the capacities of our members throughout Africa.

The OATUU, with the assistance and collaboration of the United Nations Development Programme (UNDP) and the ILO, will start, in the next few weeks, a US$200,000 programme of entrepreneurialship and small business development within African trade unions to assist African workers and trade unions in the establishment of small and medium enterprises, job creation for their unemployed members and the provision of services for the development of their countries.

Activities geared to empowering women workers in Africa are given priority attention by the OATUU. In this regard, we need ILO assistance in the area of gender training through sensitization and training of actors involved in education, policy formulation and execution to ensure the mainstreaming of gender issues.

We attach great importance to the ILO's technical cooperation programmes in Africa because of the tremendous boost they give to capacity building in our continent. Our members need increased ILO assistance in occupational safety and health and in the area of ILO standards — especially in post-conflict situations in Africa.

I would like, therefore, before concluding my speech, to reaffirm the OATUU's support for the decision taken by the 20th Session of the Tripartite OAU Labour and Social Affairs Commission in Addis Ababa in April this year which called for: the ratification by African countries of seven basic Conventions of the ILO; the strengthening of the supervisory mechanism of the ILO Conventions; the strengthening of tripartism; and the continuation of the work of the ILO Working Party on the Social Dimensions of the Liberalization of International Trade.

We are particularly happy and proud about the role and contribution of African workers and of the OATUU and its affiliates to the struggle for the consolidation of democracy, good governance, economic integration and sustainable development in Africa. As we call for social and economic justice in Africa, we also demand them at the international level.

Original Arabic: Mr. HASSAN FULAD *(Workers' delegate, Bahrain)* — I am happy to have this opportunity of speaking to you on behalf of the General Committee for Bahrain Workers during this important session of the ILO Conference, which works towards the values of social justice, peace, freedom and the welfare of all humanity, eliminating discrimination and oppression.

Might I first of all be permitted to express my sincerest congratulations to Mrs. Keltošová, on the trust which has been placed with in her on her election to the presidency of this Conference. I think that this is an expression of appreciation of skills and qualities and we wish her every success in the tasks this involves. I also wish to express my appreciation to Mr. Michel Hansenne, Director-General of the ILO, for the professional and scientific efforts which he has made in selecting the theme for this session of the ILO Conference, a theme which necessitates, in our view, an in-depth study and a detailed examination by the Director-General and the Governing Body of the ILO, which must revise it through establishing an alternative strategy which would contribute to improving the conditions of workers in a period of globalization and through work to defend against, and raise awareness against, these protectionist measures that could harm the well-being of workers in developing and industrialized countries alike. Liberalization of trade cannot be linked to labour standards because of existing inequalities in international competition. This is the result of much protectionism in a large number of industrialized countries, and the existence of many very large companies, especially multinationals, which do not allow fair competition. Further, effective control over the price of raw materials, energy and technological products is in their hands, and they can impose this by force of arms if necessary. This means that there is no real chance for the developing countries to really compete fairly. We recognize the importance of respecting and complying with international labour standards and making great and equitable efforts in order to promote social justice in the developing countries.

We believe that ILO standards are not an end in themselves. They are but a means, the undoubtedly most important tool which this Organization has at its disposal. The ILO is the only competent body which can elaborate and monitor these standards with a view to achieving certain specific objectives and implementing the principles of the ILO Constitution and the Declaration of Philadelphia. These values are those of human dignity which, thanks to work and through work, make dignity possible. Solemnly confirming the principle that labour is not a commodity, and concentrating on the need to create standards on the social dimension and respect for fundamental workers' rights. Impelled by our faith in the principles and objectives of the International Labour Organization, as representatives of Bahraini workers, we would like to affirm the following:

First, the humanity of workers in labour legislation is an important element, which must guarantee the protection of independent trade union representatives as social partners, in conformity with the standards established by international labour laws.

Second, there must be recognition of fundamental workers' rights and Conventions as conditions representing economic and social progress resulting from the progress which has been made in the 1990s.

Third, there is a need for the revision of the values and the restructuring of the international labour standards, taking into consideration the autonomy of each party and the force of tripartite negotiation to protect the principles and values by keeping a more watchful eye on social considerations and not using labour standards for purposes of protectionism.

Fourth, the need to call the three social partners to adopt and apply the legal labour standards drawn up by the ILO so that there may be fair and balanced unity between the social partners in the interests of society at large and its progress. It is also necessary to strengthen the rights and independence of each partner at work.

Fifth, there is a need to work towards creating a practical mechanism at the International Labour Organization, which will be responsible for following up the application of international labour standards and strengthening its role, which will help the trade union organizations to achieve their goals and objectives of independence and to enjoy trade union rights in general.

The Committee of Bahrain workers is very interested in the work of the International Labour Conference, because of its deep and absolute conviction in the importance of common international efforts in order to renew the vitality of the ILO so that it may better adapt its means of work to the most recent developments in the world, basing itself of course on constructive democratic discussion within the framework of tripartite discussion between the social partners, so as to achieve the ILO's noble objectives in this regard.

From the speaker's rostrum I would like to state that workers' organizations in my country need more developed legislation, more technical and educational assistance from the ILO in order to fulfil their mission in an active and efficient manner and to fulfill their obligations, to protect, maintain and reinforce the acquired rights of workers, the development of their structures and the strengthening of their independent status and their own rules from the State, so that workers may achieve the level reflected in the international Conventions on workers' organizations, which would allow us to play a role in the development and prosperity of our country and the welfare and well-being of all its citizens.

We are workers and we find ourselves all, on the eve of the twenty-first century, witnessing violations of all kinds against international law, human rights, elementary humanitarian principles and international labour laws. These violations can be seen throughout the world. We note in particular what is happening as a result of the Israeli occupation, its destructive consequences and the violations of basic human rights both as regards Arab workers and employers in Palestine and the other occupied Arab territories. We therefore call upon this honourable Conference, with regard to the close correlation between the problems humanity is facing today, to study these violations and strengthen the role that the International Labour Organization should play. The ILO is the only competent organization which can create the machinery likely to ensure a follow-up of the resolutions and programmes adopted at the international level, and to ensure that the principles and the standards of the Organization are duly implemented and respected.

RATIFICATION OF CONVENTIONS BY FINLAND AND SWEDEN

Original French: The PRESIDENT (Ms. SASSO MAZZUFFERI) — I give the floor to the Clerk of the Conference to make an announcement.

Original French: The CLERK OF THE CONFERENCE — I have pleasure in informing the Conference that the Director-General of the ILO has recorded the ratification by Finland of the Safety and Health in Mines Convention, 1995 (No. 176), and of the Protocol of 1995 relating to the Labour Inspection Convention, 1947 (No. 81). I also wish to announce that the Director-General of the ILO has recorded the ratification by Sweden of the Safety and Health in Mines Convention, 1995 (No. 176), and of the Protocol of 1995 relating to the Labour Inspection Convention, 1947 (No. 81). This brings the total number of ratifications of international labour Conventions to 6,433.

SECOND REPORT OF THE FINANCE COMMITTEE OF GOVERNMENT REPRESENTATIVES: SUBMISSION, DISCUSSION AND ADOPTION

Original French: The PRESIDENT (Ms. SASSO MAZZUFFERI) — The next item on our agenda is the adoption of the second report of the Finance Committee of Government Representatives which you will find in *Provisional Record* No. 14. I invite Mr. Etiang, Minister of Labour and Social Welfare, Uganda, and Chairperson and Reporter of the Committee to present the report.

Mr. ETIANG *(Minister of Labour and Social Welfare, Uganda; Chairperson and Reporter of the Finance Committee of Government Representatives)* — I have the honour to submit to the Conference the second and last report of the Finance Committee of Government Representatives. This report is published in *Provisional Record* No. 14 and contains recommendations of the Committee on the matters placed before it. The resolutions, recommended for adoption by the Conference in respect of these items, appear at the end of the report.

The Committee considered recommendations concerning the assessment of contributions of the new member State, namely Saint Kitts and Nevis, which joined the Organization last year in 1996. It also considered the scales of assessment of contributions to the budget for the year 1998-99. On other matters the Committee has made recommendations concerning the management of the ILO Staff Pensions Fund and the composition of the ILO Administrative Tribunal.

The main subject considered by the Committee was the Programme and Budget proposals for 1998-99. The Director-General in introducing the proposals indicated that they were a result of a process which involved an extra stage of consultations compared with the previous budgets. This had given Government, Employer and Worker members of the Governing Body a better opportunity to voice their principal concerns. While pursuing the broad strategy of promoting democracy, assisting member States in their efforts to create employment and combat poverty in improving the protection of workers, priority was given to four major challenges. Namely, revitalization of the ILO standard-setting activities; the fight against child labour; the follow-up to the World Summit for Social Development in Copenhagen and the follow-up to the Fourth World Conference on Women in Beijing.

The Programme and Budget also contained a considerable number of innovations including new programmes of action that the Governing Body had identified during its most recent discussions. Furthermore, the proposals respected the Governing Body's wish to reduce the Organization's budget; there were cuts in all major sectors. In real terms, the proposals were 5.9 per cent lower than the programme adopted by the Conference for the current biennium. In nominal terms they showed a reduction of 3.75 per cent at an exchange rate of 1.16 Swiss francs to the dollar. The Director-General outlined the objectives and results of the reforms which the Office had been implementing over the past six years. He recommended that the Office should explore every possible opportunity to achieve productivity gains in the future. However, further cuts at this stage would mean reducing the Office's activities in the regions.

The Committee had statements on the Programme and Budget proposals from Mr. Oechslin, the Employer Vice-Chairman of the Governing Body and Mr. Gray on behalf of the Worker Vice-Chairman of the Governing Body. Their statements are included in the report of the Committee in paragraphs 31-39 and 40-42 respectively.

In the debate there was general support for the Programme and Budget proposals. Members welcomed the additional stage in the consultation process as well as the increased transparency in the presentation. They encouraged the Director-General to continue his development of strategic budgeting. However, some Members had hoped for a large allocation of resources to regions and one Member believed that there was still scope for further reductions in the budget.

The total budget amounts to US$481,050,000. At the exchange rate of 1.46 Swiss francs to the dollar, this comes to 702,333,000 Swiss francs. The summary of the budget of expenditure and income is in Appendix II. You will find in Appendix III a summary of proposed expenditure by the major programmes. Finally, in Appendix IV a table showing the contributions due from member States for the year 1998.

I would like to express my thanks to the Vice-Chairman of the Committee, Minister Ducreux, Government delegate of Panama, and to all the members of the Committee and to the members of the secretariat, all of whom helped in one way or another in my task as Chairman.

Finally, in recommending all the resolutions to the Conference for adoption, I would make a special appeal in respect of the resolution concerning the Programme and Budget proposals for 1998-99 — Governments, Employers and Workers alike must give it their unanimous support.

Original French: The PRESIDENT (Ms. SASSO MAZZUFFERI) — The floor is now open for discussion of the report. Are there any speakers who wish to comment on the report we just heard? If not, we shall proceed with the adoption of the body of the report — paragraphs 1 to 77 — and of Appendices I to IV. May I take it that paragraphs 1 to 77 and Appendices I, II, III and IV are adopted.

(The report is adopted, paragraphs 1 to 77, together with Appendices I, II, III and IV.)

We shall now move on to the adoption of the resolutions submitted by the Committee. We shall begin with the resolution concerning the assessment of contributions of member States. May I take it that this resolution is adopted?

(The resolution is adopted.)

Next, may I take it that the resolution concerning the scales of assessment of contributions to the budget for 1998-99 is adopted?

(The resolution is adopted.)

May I also take it that the resolution concerning the management of the ILO Staff Pensions Fund is adopted?

(The resolution is adopted.)

And may I take it that the resolution concerning the composition of the Administrative Tribunal of the International Labour Organization is adopted?

(The resolution is adopted.)

As regards the adoption of the resolution concerning the adoption of the Programme and Budget for 1998-99 and the allocation of the budget of income among member States, this resolution will be the object of a record vote which will take place on 17 June, tomorrow morning.

I would like to take this opportunity of thanking the Chairperson and Vice-Chairperson of the Finance Committee of Government Representatives, as well as all members of that Committee, for the excellent work they have done.

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: The PRESIDENT (Ms. SASSO MAZZUFFERI) — With that we can return to our discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Original Portuguese: Mr. D'ARAUJO MARTINS *(Employers' delegate, Brazil)* — First, I would like to join all the speakers who have congratulated Madam President on her election to conduct this meeting of the Conference and wish her much success in her task.

I would also like to congratulate the Director-General for his excellent report in which he analysed the fears of the social consequences springing from the globalization of the economy and proposes the revitalizing of the system of international standards, particularly as regards the universal compliance with human rights in the workplace.

In this document we find outlined in detail the principles for the greater universality in the promotion of essential conditions for dynamic social progress. As the Director-General has aptly pointed out on page 20 of his Report, "There are many other rights which, without being termed 'fundamental', are nevertheless of fundamental — one might even day vital — importance for workers".

The Brazilian employers, being aware of social issues, 50 years ago held the First Conference of the Productive Classes, when we drew up and signed the so-called "Charter for Social Peace". In 1946, the National Commercial Confederation, observing the principles of the above-mentioned Charter and fulfilling its social mission and civil duties, created the Social Service for Trade (SESC) and the National Service for Trade Apprenticeship (SENAC). The SESC, with the objective of providing better living conditions to wage earners, offers them extensive social attention; the SENAC, provides vocational training and prepares qualified manpower for commercial and service activities.

It is worth while indicating that these bodies never received government resources. The income of these bodies comes from the contribution of commercial enterprises amounting to, respectively, 1.5 per cent and 1 per cent of their payroll. Due to the integrity and honesty of the management of these bodies, they have grown and been perfected. Today they enjoy the trust of the whole Brazilian population which hopes to continue to receive their benefits.

Consequently, 50 years after its creation, SENAC has 2,300 health, training and recreation units throughout the country, always available for workers in commerce and their families.

During the same period, SENAC trained 24 million young people; 1,550,000 in 1996 alone. It may be considered the greatest establishment of its type in Latin America. Today the institution maintains 720 schools strategically distributed throughout the country, being in the vanguard of vocational teaching. In the area of computer sciences, it has trained more students than all the public schools put together.

In 1996, when it celebrated its 50th anniversary, SENAC merited a special mention in a publication of CINTERFOR, a technical service of the ILO, aimed at the promotion of vocational training in the Americas, because of the excellency of the organization and high quality of their vocational training.

The investment of the enterprises amounting to a total of 2.5 per cent of their payroll always achieved a high social return, expressively reflecting on the economic evolution of the country.

The recording of these efforts before this international plenary is appropriate, timely and important since the ILO is interested in everything that occurs in each member State in favour of the worker. The Ss, as we call these two services, are vigorous service agencies for social care and vocational training created and run by employer or collegiate bodies and maintained with the contribution of enterprises. Social peace is achieved through a constant and growing solidarity between capital and labour.

We take it as given that, for the ILO, for everything that these agencies represent and achieve, it would be desirable that these services devoted to Brazilian workers could continue with their achievements, serving as an example for other countries which, like Brazil, are fighting to improve living conditions of their peoples.

Finally, we must point out that the SESC and SENAC have been visited by various countries who tried to adopt a similar or equivalent system.

For this reason we believe that the ILO is the appropriate place to inform the member States, especially developing countries, about our model of social care and vocational training available for all and that we would be pleased to receive anyone who is interested in this, showing them what we are doing and revealing the know-how that we have accumulated throughout half a century of devotion and work.

Original Arabic: Mr. TABANI *(Employers' delegate, Pakistan)* — In the Name of God, the Merciful, the Compassionate! Let me begin by conveying to you, Madam President, and to the Vice-Presidents, the very warm greetings of the Employers of Pakistan and our heartiest felicitations on your election as President of the Conference. We have full confidence in your leadership and in your abilities to guide this Conference to a successful conclusion.

Madam President, as we prepared to come to this Conference, we did so with the full realization that the comprehensive Report prepared by the Director-General — controversial as it is — will be debated quite at length. This is so because of the need to make the standard-setting activities and procedures of the ILO more relevant to the socio-economic realities confronted by the developing world on whose progress the destiny of the majority of the world's growing population in the next century depends.

In his statement to the Conference on 3 June, the Director-General justified his Report on the basis that the time has come to sum up and draw conclusions from the three years of debate that have taken place in the Governing Body and in its various committees on the social dimension of the liberalization of trade.

We feel that the proper forum to draw conclusions is the Governing Body itself. The Governing Body is fully seized of the work being done by the Working Party and of the distribution of work in the different committees based on the consensus decisions of the Working Party. This is a continuing process and a closure cannot be applied to draw conclusions from ongoing but incomplete work.

The ILO is in the process of conducting in a few selected countries special studies on the social implications of globalization and trade liberalization. It is also conducting some research on the positive impact of implementing core labour standards in developing countries.

We have time and again emphasized that the tripartite character of the ILO, its methodology of using persuasion for the ratification of standards, including core standards, and the technical cooperation and expert assistance provided by the ILO to member countries in order to enable them to ratify standards, are still preferable. The principle objective of the ILO's work related to labour standards is to secure the dignity and welfare of workers in accordance with the objectives, aims and purposes enshrined in the ILO Constitution and the Declaration of Philadelphia, giving due regard to the stage of social and economic development reached by each country.

We are therefore compelled to state in unequivocal terms that the idea of a declaration and that of the overall social label are not acceptable. Such proposals tend to legitimize the use of labour standards for protectionism, and thus by implication endorse the social clause.

The Employers' group in the Governing Body and in the Conference has constantly emphasized the need for strict supervision of the application of Conventions and for the revision of Conventions which are not being fully ratified or which create difficulties in implementation. They have also advocated change in conditions for denunciation and the introduction of a mechanism for the abrogation of Conventions. We therefore welcome the second part of the Director-General's Report, which contains some of the proposals I have just voiced.

In conclusion, let us admit that the ratification of standards *per se* does not create or increase employment. While the ILO must devote itself to the worldwide protection of the fundamental rights of workers in conformity with the constitutional mandate of the Organization, we cannot lose sight of the issues of priority for developing countries. According to an ILO report, almost 40 million people will have to find new jobs every year until the end of the century if the world as a whole is to keep up with the growth in the labour force. More than 36 million of these jobs will have to be created in developing countries, of which the majority will be in Asia.

I leave it to you to judge what should be the priorities of the ILO and of this Conference.

Original Chinese: Mr. PAN *(Employers' delegate, China)* — Madam President, please allow me first of all, on behalf of the business leaders of China, to congratulate you on your election to the presidency of this session of the International Labour Conference. My congratulations also go to the Vice-Presidents. I am confident that under your leadership this session will surely be a great success.

The Director-General submitted his Report *The ILO, standard setting and globalization* as the main theme of this session. We think that this issue is very important *per se*. It concerns the protection of workers' basic rights. As for companies, if these standards can take into consideration the benefits of both the employees and employers, then they will not only motivate the initiatives of employees but will also promote the production, development and economic performance of the companies concerned. Therefore, they will also be accepted by the employers.

So the crucial issue concerning these standards is whether they can really bring benefits to the governments, employers and employees of different countries. This is the crux of the issue and it determines whether these standards can be accepted and implemented by each country.

As the globalization trend is picking up speed in the 1990s, diversification and differences in levels of economic development in different countries are becoming more and more obvious. The gap between the North and South is also widening. This is the reality of the world in which we live. When setting rules for a game, the basic consideration is whether they can be implemented; the same applies when setting labour standards. That is to say, there should be both unity and flexibility. The greater the lack of flexibility, the harder implementation becomes. How could a country accept and approve a labour standard which is unacceptable and unenforceable in that country. Even if it were approved, it would remain no more than a piece of paper.

A few countries seek to exert pressure on a large number of developing countries to try to force them to accept those labour standards that only benefit those few countries. This practice is entirely contrary opposite to the general trend in the world nowadays.

There is an interesting ancient saying in China that instructs "Cut your toes to fit the shoe". It means that someone thinks that the size of his shoes is the best for everybody. It therefore should be the standard size which everybody should wear. If your foot is too large and cannot fit into the shoe, then the shoemaker does not think the problem is with the size of the shoe, but rather with the customer who should cut his toes in order to fit the shoe. What can we say to this?

Under globalization and trade liberalization the number of multinational enterprises is growing. The experience of the last half century since the Second World War has shown that to manage your companies in other countries well you cannot just copy your successful headquarters management model, but should take into consideration the real situation of the country and people where your company is located, since the cultural backgrounds of different countries vary.

More and more large companies in the world have been focusing on the training of cross-culture managers. This experience in cross-culture management may give us some enlightenment in setting labour standards. Now developing countries constitute the majority of the membership of the International Labour Organization. In setting labour standards, the priority should be given to the stage of development and acceptability of these developing countries. To use the social label on export products in order to identify whether the producer country accepts the labour standards or not is just a living example of cutting your toes to fit the shoe.

The Employers' delegation of China hopes that the Government, Employer and Worker delegates of each member State can use this rostrum to fully and freely express their individual viewpoints. We also hope that the ILO will pay due consideration, objectively and justly, to all these different views on setting labour standards that will really benefit the majority of member States so as to make a real contribution to social progress.

Ms. BUVERUD PEDERSEN *(Workers' delegate, Norway)* — "The ILO's standard-setting function has always been — and, to my mind, still is — the very backbone of the International Labour Organization. It is standard setting that underlies and imbues all our activities and it is the ILO's standards that will determine the place that the Organization occupies in the coming century, because it is through them that the ILO can make its most valuable contribution to a world economic system based on the liberalization of trade and genuine multilateralism. Unless that function is strengthened, the promises of progress in the world economy are liable to be jeopardized or to remain a dead letter for all too many workers." These were the words used by the Director-General when he introduced his Report at the opening of this year's session of the Conference. I fully agree with him. This is why his Report is so particularly important this year.

It is the first Report in 13 years which discusses the elaboration of the ILO's regulatory framework. We have, throughout this period, witnessed developments towards ever more rapid globalization and, unfortunately, also towards the brutalising legislation of the world economy. This situation makes it highly urgent for the ILO to discuss existing standards, the development of new standards, ratification, application and supervision, a discussion which is highly relevant if the ILO is to ensure a just distribution of the advantages related to the globalization of the economy and to furnish it with a social dimension.

The Norwegian Confederation of Trade Unions has recently held its 29th Statutory Congress. Our Congress statement on international affairs underlines, with reference to the ILO, the importance of having an international regulatory framework capable of protecting workers, their organizations and elected officers against infringements.

The participants at the Social Summit in Copenhagen expressed agreement concerning the need to respect the ILO's core Conventions. This should imply that all participating governments ratify the existing core Conventions. The World Trade Organization's Ministerial Conference in Singapore also referred to the ILO as the competent body for establishing and discussing standards for working life. The central place devoted to work on a social clause in international trade agreements at the Singapore Conference is an immediate consequence of the fact that a number of ILO member States do not respect the core Conventions.

We have seen attempts to interpret the Ministerial Declaration on the relationship with the ILO differently from what the wording indicates. This is certainly out of the question. The personal statement made by the Chair of the Conference was not based on an informal decision. The international trade union movement and an ever-increasing number of governments will continue to work for increased cooperation between the ILO and the WTO and for the incorporation of a social dimension into the activities of the World Bank, the IMF and the World Trade Organization.

Part I of the Report of the Director-General raises the question whether the supervisory machinery of the ILO on the application of Conventions should also include States which have not ratified the core Conventions. In my opinion, the answer must be yes. The Constitution of the ILO to which all member States have expressed adherence establishes the principles on which the ILO is based and does, in my opinion, commit the States on matters concerning the most fundamental workers' rights.

The statement made by the representative of the Colombian Government stating that he speaks on behalf of 113 governments causes me deep concern. I have difficulty believing that such a great number of countries refuse to strengthen the supervisory mechanisms aimed at upholding the fundamental principles of the ILO. As a consequence of the views expressed, trade unions everywhere must further intensify their efforts. We cannot, and will not, accept that workers — men, women and children — must sacrifice their freedom, health and even their lives on the altar of trade liberalization. This also means that the proposal concerning the ILO overall social label deserves support and follow-up.

I would like to conclude these few remarks with some words concerning the appendix to the Report of the Director-General, namely the Report on the situation of workers of the occupied Arab territories. The report shows that the situation has not improved — on the contrary. Time does not permit me to go more thoroughly into this topic here, so let me just repeat what I said last year about the need to put international pressure on the Israeli Government with a view to ensuring resumed and continued peace negotiations. A special sitting of the International Labour Conference could form part of such pressure. I am convinced that the people in general, both in Israel and in Palestine, want peace and positive development for themselves and for their neighbouring countries.

Original French: Mr. PIERRE *(Workers' delegate, Haiti)* — Madam President, I associate myself with other members of the Haitian delegation in congratulating you on your commitment to the responsible mission entrusted to you.

On behalf of the Haitian workers I would like to express our gratitude to the Director-General for his excellent Report which demonstrates his commitment to make our Organization equal to the considerable changes taking place in this century. If, historically speaking, globalization is not a recent phenomenon, there is no doubt that with the end of the Cold War, it is one that has considerably increased, in particular with an acceleration of capital flows, the opening up of economies and the monopolization of production at the global level. Do we need to recall here that approximately 200 multinational companies are responsible for one third of world production.

It is said that globalization, with its dominant paradigm of liberalism, stimulates growth and employment. In this context, a large number of developing countries, including mine, are obliged to undertake major economic reform programmes in order to enter the world economy. In this regard, the Haitian Government has adopted a neo-liberal policy since its return to constitutionality and this neo-liberal policy is far from inspiring hope, as some would have us believe. This reform has thrown the Haitian workers into a desperate situation. This is illustrated by the act concerning the reform of the public administration which makes provision for the dismissal and compulsory early retirement of some 18,000 officials in a country where the unemployment rate is in the order of 70 per cent of the working population. Moreover, the application of these economic reforms is carried out without consultation of the social partners and in opposition to standards in respect of freedom of association. This, I think, explains the exclusion of the trade union movement from the Council for the Modernization of Public Enterprises (CMEP) — the body set up to manage the implementation of the programme of modernization of certain public enterprises. Add to this the dismissal of numerous trade union leaders from enterprises such as telecommunications, electricity and the national port authority and we see what this represents.

Even if it is too soon to take stock of the social cost to the workers of these economic measures, one can nevertheless say that their situation is being increasingly exacerbated since the country is now facing true economic paralysis characterized by galloping inflation which brings in its wake cost of living hikes, representing a serious handicap for a Haitian worker whose minimum daily wage is around 36 gourdes, that is to say $US2.11.

The outlook is poor. Globalization creates a paradox — at the same time as one is speaking of growth, one is also witnessing rising poverty. The World Bank in its *World Development Report 1995*, noted that the world economic prospects were good, but recognized also that poverty was growing.

As a result of this situation, we wish to show that globalization is a two-edged sword which will lead to most serious disasters because increased inequality, precarious employment and lack of respect for fundamental human rights and trade union rights are causing the social fabric to disintegrate. Indeed, we have to ensure, as the economist Brender said, that trade liberalization does not destroy the links of solidarity within nations.

It is here that our Organization has an important role to play and the Haitian workers have high hopes in the ILO which is the organization *per excellence* in the sphere of international labour standards. The need to promote the ILO's international Conventions within the context of globalization becomes imperative. This need was recognized at the World Summit for Social Development in Copenhagen. The Ministerial Conference in Singapore also made a declaration to this effect.

Together with the Director-General, we believe that globalization cannot be given free rein. That is why we support his suggestion to the Conference to recapitulate, in a text or possibly a Recommendation, the essential principles, and to create a follow-up mechanism in the form of periodic reports on social progress in the world, followed by a policy discussion.

Original Russian: Mr. KOLMOGOROV *(Employers' delegate, Russian Federation)* — ILO standard setting, to which the Director-General's Report is devoted this year, has been and will continue to be one of our Organization's basic activities for the fulfilment of the aims and objectives set out in its Constitution and in the Declaration of Philadelphia. In this sense, the ideas contained in the Report warrant our support: the fundamental ILO standards should be more universally applied in conditions of economic globalization, and the subjects of future international labour instruments should be more carefully selected.

Globalization, as the Report says, must not be left to its own devices. If we expect the liberalization of international trade to lead to produce economic and social benefits, then we must, when developing standard-setting activities, take account of the particularities and special features of groups of ILO member States, including those with transitional economies. For it is precisely in the concrete application of the ILO's standard-setting activities that we feel the Organization can improve and develop.

Now that Russia is on the path of transformation, we are endeavouring, in drawing up our national legislation, to make use of the wealth of international experience concentrated in ILO Conventions and Recommendations, and specifically in the fundamental standards. Russian employers are lobbying and taking part actively in the drafting of federal acts on employers' associations and on the establishment of a Russian tripartite committee for the settlement of social and labour disputes, as well as other bills in the social and labour field.

At the same time we highly value the technical assistance provided by the ILO in helping to solve the most urgent problems. As in the past, one of the most serious of these is employment. An example of the success of this cooperation can be seen in the international conference held in May this year on the "Development of enterprises and job creation in Russia". We should like sincerely to thank the ILO's leadership for organizing this conference. Furthermore, we hope that the establishment of a multidisciplinary team in Moscow will make it possible to increase the effectiveness of such events still more, by exposing them to the real needs of the CIS States for enterprise reform and for the development of small and medium-sized business. One of the most important aspects of the multidisciplinary team's work may thus lie in drawing up a model and a mechanism for tripartite cooperation at the regional level and for ensuring communications between all levels of the social partnership.

I would like to draw your attention to a question which has not yet received as much attention as it should from our Organization. I have often mentioned this in the past as well. I am referring to the possible strategic use of the ILO to stimulate investment in countries embarking on the path of market transformations, with a view to ensuring full employment. This does not exclusively mean attracting foreign investment *per se*; it would rather mean making use of foreign investment more strategically, as a way of stimulating more extensive domestic investment where it is needed.

Once again, we would like to point out that the ILO is capable of strengthening its role and improving the situation on the world labour market if it works with the World Bank, the IMF and other international and regional agencies.

(The Conference adjourned at 1 p.m.)

Sixteenth sitting

Monday, 16 June 1997, 3 p.m.

Presidents: Mr. Khalil, Ms. Sasso Mazzufferi

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original Arabic: The PRESIDENT (Mr. KHALIL) — In the Name of God, the Merciful, the Compassionate! We shall continue our discussion of the reports of the Chairperson of the Governing Body and of the Director-General.

Mr. NOAKES *(Employers' delegate, Australia)* — I would like to extend my congratulations to Madam President on her election, and to extend to the Director-General my thanks for the Report which is now under discussion.

I want to address three issues, and they correspond to those raised in the Director-General's Report. The possibilities for the adoption of a declaration of fundamental principles, the possibilities for the adoption of a consumer-labelling system and the changes necessary in the standard-setting system.

In debates which have taken place within the Governing Body and its committees, the Employers have proposed that consideration should be given to the adoption by this Conference of a declaration of fundamental principles which would contain the essence of what have been recognized as the core Conventions. This proposal was put forward in an attempt to enable the International Labour Organization to respond effectively to the challenges which have arisen from globalization and trade liberalization and to demonstrate its continuing relevance in a changing world. This proposal was not and has not been fully developed. Indeed it would not have been desirable to seek to avoid the discussions which needed to take place if the necessary degree of consensus to support it were to be obtained. The detail of such a declaration, the follow-up mechanisms and the supervisory machinery to be applied needed to be fully discussed. At this stage of that discussion we can say that a certain degree of consensus exists on this concept and that this corresponds in general terms to the ideas put forward in the Report. The task now is to seek to extend that consensus, to seek to satisfy any concerns or reservations and to elaborate the necessary detail. I want to express my personal commitment to ensuring that this proposal is transformed into reality. I believe that adoption of the proposal will be in the interests of this Organization and its constituents.

It was therefore with some dismay that I read the proposals in the Report concerning the possible adoption of a system of labelling consumer goods with a so-called social label. This is a concept on which there is no consensus and on which, in my judgement, there can be no consensus in the foreseeable future. Certainly it is strongly opposed by employers and certainly it will be divisive for this Organization. In the context of the debate about a declaration of fundamental principles and the delicate stage which has been reached in that debate, the introduction of the notion of social labels is a diversion and a particularly unfortunate diversion. I appeal to the constituents of the Organization not to be diverted in this way and not to be misled by the attempts which have been made in some quarters to mix the concepts together in order to reject both.

One of these concepts has validity, the other has no validity. One has a growing and substantial basis of support, the other has little support. But if they are not separated from each other they will both become divisive, and the lack of appreciation of this basic truth in the Director-General's Report is difficult to understand.

In section II of the Report, the Director-General addresses the subject of standard setting and puts forward some interesting ideas for improving that process and making it more relevant. I welcome this thoughtful attempt to bring together the problems which exist in this area, and to raise for our consideration a number of ways in which those problems might be addressed.

It is clear from the events of recent years that support for the current approach to standard setting has been steadily diminishing. The Employers' group has repeatedly expressed its concerns about the process, sometimes in forceful terms. It has put forward some proposals for change, a number of which are reflected in the Report. Many governments have expressed their dissatisfaction, sometimes by debate, sometimes by simply refusing to ratify the Conventions produced in recent years. The Workers' group has maintained its attachment to Conventions and to more Conventions as the principal means of securing greater protection for workers through the activities of the Organization. But there are, I believe, growing doubts on all sides as to whether a continuation of past approaches is the best way of achieving the aims of the Organization in a world which will never be the same as it was in the past and in which change is more rapid than it has ever been in the past.

I particularly welcome the remarks of the Director-General concerning the need for greater selectivity in standard setting, the need to improve the preparatory process, the need to upgrade the status of Recommendations, the need to reconsider the content of standards and the need for a systematic and ongoing process for the evaluation of standards so that their relevance and effect might be assessed on a continuing basis.

In conclusion, I want to return to the issue of a declaration of principles, and to express the hope that at the end of this debate it will be clear that there is sufficient support for the concept to justify the continuation of work to develop the necessary detail. If the proposal can be brought to fruition, hopefully at the next session of the Conference, then an important contribution will have been made towards achieving the ideals of the Organization. There will also have been a demonstration of the capacity of the Organization to respond in new and different ways to new and different challenges. At a time when the very relevance of the Organization is being questioned in many quarters this would be a considerable achievement.

Original French: Mr. LUANGVILAY *(Workers' delegate, Lao People's Democratic Republic)* — Madam President, allow me to join previous speakers in congratulating you on your election to preside over this session of the International Labour Conference. This session is a very important one as it focuses on ILO standard setting and globalization, providing governments, employers and workers with the opportunity to work together for the good of the workers.

The ILO, which is the nerve centre of tripartism, has always sought to broaden its activities to provide better worker protection.

In the Lao People's Democratic Republic the economic and social situation is evolving reasonably well, thanks to the priority our Government has placed on promoting investment. At present the national labour force is not able to meet the needs of the national economy, neither from a quantitative nor a qualitative point of view. Given this situation, we have no other solution but to seek outside help and assistance. We therefore believe that the ILO should increase its assistance to us in the sphere of human resources development, and in that of technical and vocational training, to enable our workers to participate effectively in our national development.

The application of international labour standards, as elaborated by the International Labour Organization, is in our view absolutely necessary for the protection of workers' legitimate interests. The effective implementation of these standards depends on the specific socio-economic circumstances of individual countries. Moreover, the less developed and the developing countries require time to raise their levels of economic and social development to bring them into line with those of the industrialized countries before they will really be able to apply certain standards. The Lao Government has given high priority to human resources development, vocational training and to job creation, with a view to gradually improving the living conditions of the population.

The Lao Trade Union Federation has played its role in articulating and protecting workers' interests and has participated in the preparation of Lao legislation. We are currently concentrating our efforts on the training of federation officials, and of workers in general to help them to acquire technical, scientific and vocational skills. We are convinced that the international organizations, such as the International Labour Organization in particular, as well as friendly countries, will help and support us in this undertaking.

I should like to conclude by wishing every success to the Conference.

Mr. LUCHMUN ROY *(Workers' delegate, Mauritius)* — I have had the opportunity of going through the brilliant Report you have prepared on the subject of globalization, which is a topic that is now most appropriate for workers, governments and employers. The points mentioned in the Report aim mostly at ensuring good understanding and justice. My organization is particularly happy that there is mention of basic Conventions, which in the given context are indispensable instruments for the protection, and furthermore the interest, of workers.

More than ever, the ILO's role will become more important and challenging in addressing the problems of globalization and trade liberalization. We are confident that the ILO will play a leading role to ensure peace and stability in our societies.

I am particularly happy to bring to the attention of this Conference the fact that the trade union movement in Mauritius has lately debated fundamental issues like globalization, trade liberalization and privatization. These issues have been debated at a national conference under the aegis of a national organization grouping all trade union organizations which we call the "All Workers' Conference". For the first time in its history, the trade union movement in the country has overtaken the Government in producing White Papers on national issues like privatization, fiscal policy, etc. Last year, the All Workers' Conference succeeded in convincing the Government to reduce sales tax from 10 per cent to 8 per cent and taking other measures to safeguard the interests of workers and the vulnerable sections of the population. Trade union unity in the country was never as strong as it is today with the creation of the All Workers' Conference.

The trade union movement in Mauritius today notes with pleasure the initiative taken by the new Minister of Labour and Industrial Relations to organize regular meetings with the trade union representatives, which he has named as the "Permanent Forum for Dialogue". This initiative is enabling the trade union movement to raise all problems relating to workers each month, at a meeting which is presided by the Minister himself. We have taken note of the fact that there is a follow-up to almost all issues that are raised by the unions. We hope that this laudable initiative will last for long, as it is in the interests of workers in the country.

Government has lately announced the decision to reconsider salary structures and conditions of work in various sectors through remuneration orders. The trade union movement expects that there will be improvement in various sectors like the sugar industry, the catering industry, the transport industry, banks, fisheries, etc. With respect to public officers, there is discontent about the fact that the institution that is responsible for carrying out a revision exercise on pay and grading structures has not yet taken the decision to convene unions.

The trade union movement was disappointed last week when the Minister declared that the Government was not in favour of referring the case of EPZ workers to the National Remuneration Board. There has been no salary revision exercise in the export processing zones for more than ten years, which means that wages are being deliberately kept at low levels. The Government argues that improvement of wages in the sector will threaten the competitiveness of our EPZs. As a trade union organization, we cannot subscribe to the view of the Government, as 80,000 employees of the sector are being unduly penalized. We expect the Government to reconsider its stand on the issue in the coming weeks.

Coming to industrial and labour legislation, we have been informed that the Government has constituted a working group. This working group is supposed to come up with proposals to amend and ultimately replace the Industrial Relations Act, the Labour Act and the Workmen's Compensation Act. The Government has also announced that it has sought the assistance and guidance of the ILO to replace the above-mentioned legislation.

The trade union movement in Mauritius notes that the Government has taken a lot of time on the issue and that things have unfortunately remained unchanged. In this context, I will again express my satisfaction at the ILO's request to all member States to ratify the seven core Conventions. We are happy that the Government of Mauritius looks forward to ratifying the three Conventions, i.e. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

We believe that Mauritius with its export-oriented economy should project a democratic image with an emphasis on the respect of human rights and liberty. Such an image will be very beneficial for the country, as we export everything we produce and it would even benefit the services that we offer. We hope that the Government and employers in the country will give necessary importance to this fundamental point. We believe that Mauritius should enter the third millennium with the image that we have described above.

It appears that the days of full employment in Mauritius are over, as the rate of unemployment in the country is already as high as 5.5 per cent. The economic situation is not an easy one, with rising inflation, increasing budget deficit, etc. The unions do not subscribe to the view that privatization is an answer to the existing economic problems.

So far, Government has not deemed fit to keep us informed about the discussions it has had with the IMF and the World Bank. We believe that the days are gone when economic and social issues had to be dealt exclusively by government, employers and the World Bank. Workers need not only to be ignored. Their approval and involvement in economic and social policies are absolutely essential.

My organization, which is the Mauritius Labour Congress, deplores the fact that the Government has not been able to come forward with any White Paper since it has assumed power. On the eve of the presentation of the national budget, it is publishing a series of White Papers to justify its stand on centralization of the sugar industry, new fiscal policies, privatization, etc. This is not the way to deal with trade union organizations as it will not create confidence in government policies.

The Mauritius Labour Congress, as well as all other trade union organizations in my country, do not want to hamper progress. We want to play our role not only by defending exclusively workers. We are fully conscious of the important changes that are taking place in the world, particularly with the advent of the World Trade Organization.

We hope that our contribution in changing our country for the better will be acknowledged by the Government as well as employers. I am also confident that the ILO will play a more meaningful role in bringing social partners to collaborate more fruitfully in the interests of everyone.

Original French: Ms. ZGHIBARTA *(Workers' adviser, Republic of Moldova)* — On behalf of the workers' organizations of the Republic of Moldova, I would like to congratulate the President and the Officers of the Conference on their election and wish them every success.

The trade unions of the Republic of Moldova, as the most important social partner of the Government and the employers in my country, have closely studied the Report of the Director-General of the ILO, Mr. Michel Hansenne, which gives a very complete picture of the period behind us and outlines the major policy guidelines for the future. The discussion on the Report is particularly significant this year. It will mark a crucial stage in the discussion on the Organization's future approach to standard setting.

In his introduction, the Director-General states that the ILO has high expectations in the area of standard setting, especially after the World Summit for Social Development in Copenhagen and the Ministerial Conference of the WTO in Singapore.

Globalization of the economy undoubtedly has a lasting impact on the progress and prosperity of the member States of the ILO, as well as on the newly independent countries and those which emerged following the geopolitical transformation which took place in the 1990s in Europe — including the Republic of Moldova.

It is increasingly clear that globalization of the economy will bring about substantial and structural changes which, in turn, will raise two issues of major importance with respect to ILO standards: first, the constitutional principle concerning the voluntary nature of commitments entered into through Conventions, which does not allow them to play fully a role of regulator of the world economy and of the social and labour relations based on that economy; second, the constitutional principle whereby the commitments arising from the Conventions are limited to the State. Although the social partners — the employers and the trade unions — are not part of the government, their role is becoming increasingly important in the process of globalization of the economy — a fact that influences the effectiveness of social policy.

It is clear that at the present time, the elaboration of ILO standards must take account of these facts. In our view, given the globalization of the economy, these factors will allow international labour standards to play an active role.

It is of major importance to the national trade union movement that standards should be more targeted in order to have a greater impact in this era of economic globalization. This movement needs the support of international law, as constituted by the Conventions and Recommendations of the ILO.

Globalization brings forth new topics for the standard-setting activity of the ILO and requires careful selection.

The selection of subjects for standard setting must be carried out in accordance with certain criteria specific to the ILO which, in our view, should be adjusted to take into account the new phenomena emerging in conjunction with globalization.

However, if the criterion of "added value" is not supported by the social partners, the significance of international labour standards in this era of globalization will decline.

It is for this reason that we feel that this criterion is of major importance to the process of renewal of the standard-setting activity of the ILO in this time of globalization and insist that it be recognized by all parties and introduced into the final instrument.

The Republic of Moldova, since joining the ILO, has ratified 14 Conventions; this is perhaps not much, but is nevertheless significant for our Republic.

At present, the priority tasks of the trade unions are (a) to implement the provisions of the Conventions ratified by the Parliament of Moldova, and (b) accelerate the process of ratification of the seven Conventions submitted for examination by the legislative bodies.

There are many crises throughout the world and their repercussions affect first and foremost wage-earners. The rights of workers and their trade unions are violated in a flagrant manner. The ILO must therefore make it a priority objective to strengthen its activities and to place itself at the forefront of action aiming at settling these serious problems.

By way of conclusion I wish to express the hope that the resolutions taken at this Conference will contribute to improving the situation of wage earners throughout the world. I trust that the Conference will find positive solutions to the problems faced by all wage earners today.

Original Arabic: Mr. DJEMAM *(representative of the International Confederation of Arab Trade Unions)* — Permit me first of all to express our full support to the International Labour Organization, which is the only body within the United Nations system to have adopted the principle of tripartism. I am convinced that belonging to this Organization represents a commitment to respect the principles of the Constitution and its standards. I counsel caution in examining these standards and I call for a growth in standard-setting activity so that the standards are well adapted to reality.

The role of the workers within the ILO has dwindled because of rapid transformations taking place throughout the world. Therefore, we call for a new approach to be found which will give a bigger role to the workers, through the development of technical cooperation between the International Labour Office on the one hand and the international trade union federations on the other, with a view to improving their capacity and also training competent officials, which will allow the unions and their officials to take up the challenges they face, which have been caused by globalization.

The problem is a question of the organizational and management methods of globalization, in its goals, in the supremacy of the profit motive, in dodging around the law and in the quality of some dubious investment capital in this framework. The liberalization of markets is flattening the world of work and ensuring the observation of the law of the jungle, thus exploiting the development of the means of telecommunication and the free movement of goods to transcend frontiers and to corrupt society in each country, its sole aim being to optimize profits.

Confronting this reality demands the drafting and adoption of national and international legislation that bar the exploitation of labour and ensures the well-being of all within a context of democracy, social justice and respect for human dignity.

We also defend the social clause and also the importance of the role of the International Labour Organization. The Copenhagen Summit and the Singapore Meeting recognized our existence and rights. Today we have to set up a mechanism which requires all parties to develop the social rights of all the workers, men and women, and of all the population, to condemn marginalization and discrimination, to refuse to submit political decisions to the laws of the economy and of capital, to work towards bridging the gap between North and South, to reduce the external debt burden, and to soften the conditions of structural adjustment, which is grinding down poor societies. Therefore, we invite all people to join hands to join an international trade union grouping in which all trade unionists participate, whatever their political sympathies.

We also welcome the idea of a social label, on condition that it encourages the development of social and human rights, but not if it is simply a pretext in order to impose protectionism and sanctions. In this connection, I must call for the respect of trade union rights, and for the autonomy of trade unions, while also condemning any interference in the internal affairs of trade unions. I affirm that we strongly reject the interference of governments, whether it be to choose the trade union authority or to impose their choice, as in the case of Lebanon now, where the legitimate leaders of the General Confederation of Workers are being pursued, in particular its president, Mr. Elias Abou Risk.

We condemn the attempts made to abort the peace process in the Middle East, the challenge thrown down to the international community, the policy of blockades, the building of new settlement colonies, the frontier closures around occupied Arab territories, the hindering of development efforts, as well as the policy of Israel supported by the United States. We demand that Israeli troops withdraw from the occupied territory of Lebanon and the Syrian Golan Heights, as well as to respect international legitimacy and the accomplishment of the rights of the Palestinian people, namely the creation of an autonomous and independent State within its capital in Jerusalem.

The International Confederation of Arab Trade Unions also condemns the economic blockades which hamper development and have a negative impact on the life of citizens. We call on all the people affected to find a solution to the existing problems through negotiation within a framework that respects the rights of the citizens, human dignity, and the sovereignty of justice and law.

Original Russian: Mr. KUNYAVSKY *(Employers' delegate, Belarus)* — It is a great pleasure for me to join all the other speakers who so warmly from this tribune have congratulated the President on her election to her high post and to wish her continuing success in guiding the work of this 85th Session of the Conference. I would like to congratulate the Director-General of the ILO, Mr. Hansenne, on the high-quality Reports which are of fundamental importance for the ILO in the twenty-first century, at a time when the social and economic development of the world will be inspired by globalization and the liberalization of trade exchange and where the results of this evolution, from the social point of view, including the fundamental rights of workers and of some isolated groups of employers, might take different paths. My country, Belarus, is a sovereign country and in the words of our President will never yield that sovereignty. But we are now playing an active part in globalization and the liberalization of trade. We have trade links with more than 100 countries throughout the world and we shall develop these relations. The employers of Belarus are the first to feel the social consequences of this process, both positive and negative. We share the view of the Director-General that social progress and economic process must go hand in hand and that the liberalization of trade and social progress should not be developed separately. However, social progress must be carefully aligned with legal and economic mechanisms in order not to jeopardize the economic fruits of the liberalization of trade and fair competition.

I should like to emphasize, on the basis of our albeit limited experience, that such mechanisms should be both precise and subtle. Here, we think that the ILO has a very important role to play, as one of the international organizations responsible for the preparation of mechanisms to harmonize the globalization and liberalization of trade on the one hand and real social progress on the other.

Some elements of these mechanisms have already been examined in the Director-General's Report, but many others will require further discussion and preparation. However, the Director-General is quite right in saying that the essential role of the ILO is to enrich its knowledge of facts and realities as reflected in the situations around us. This will heighten awareness of the fact that progress and social justice must accompany the globalization and liberalization process.

These processes, together with social processes, do not take any vacations and there is little time available to ponder on them. Like a spring, they bring forth from the earth a constant stream of water.

I am convinced that the ILO will meet the challenge of the new century which lies ahead.

Mr. MIN *(Workers' delegate, Myanmar)* — Madam President, I also wish to congratulate the Director-General for his interesting Report presented to this Conference. The theme of the Report is realistic approaches and means of action of the ILO on its standard-setting activities in order to cover the needs of globalization. I therefore respectfully agree with the conclusions set forth by the Director-General.

May I take this opportunity to commend the International Labour Office for its unrelenting efforts to place important topics on this year's agenda of the International Labour Conference. Accordingly, our first discussions concentrate on the general condition to stimulate job creation in small and medium-sized enterprises and on contract labour.

As a Workers' delegate I will give my full support for them and I look forward to the adoption of these instruments at this 85th Session.

In Myanmar political, economic and social reforms have been made in recent years with significant success. In the economic sphere, the present Government has successfully implemented the four-year economic plan which started in 1992-93 and ended in 1995-96. Thanks to the multifaceted efforts of the Government and the active participation of workers and peasants in the national development endeavours, the actual performance exceeded original targets. With a view to strengthening and sustaining the favourable conditions and growth for long-term development, a new five-year short-term plan from 1996-97 to 2000-2001 has been adopted. The performance of the first year of the new five-year plan will create favourable conditions for successful implementation of the entire plan. With this in view, close supervision and close coordination among the implementing agencies and organizations concerned are crucial. On the other hand, it might also be necessary to effectively mobilize national productive resources and to adopt ways and means for optimum utilization of its human resources.

In Myanmar we hold in high esteem the role of workers and peasants in nation building. In his message to the working people of the nation on the occasion of the 1997 Workers' Day celebration on 1 May the Chairman of the State Law and Order Restoration Council specifically made a point on that, and here I quote, "At a time when the State Law and Order Restoration Council has been building Myanmar Naingngan to make it a peaceful, modern and developed nation after laying down political, economic and social objectives, the workers are playing a crucial role, and the life of the workers who are contributing their physical and intellectual services in nation-building tasks is truly noble".

In this context, enhancement of the level and quality of life of the working people of Myanmar is one of the major concerns of the Government. In these days of trade liberalization and the opening up of the national economy, the flow of technology and investments from outside will provide our workers with new skills and technical know-how and thus improve their living standards and contribute towards national development.

I would like to draw your attention to the fact that in the meantime Myanmar workers are enjoying their legitimate rights as prescribed under the existing labour laws which were enacted several decades ago.

Reviewing and redrafting of these old labour laws are now in progress, and enactment of these new labour laws will be made after the emergence of a new State Constitution.

Lastly, allow me to extend my sincere wishes for the fruitful conclusion of this Conference.

Ms. BALLANTYNE *(representative of the Women's International League for Peace and Freedom)* — On behalf of the Women's International League for Peace and Freedom I thank you for giving us the opportunity to address this session of the International Labour Conference. It is always with some emotion that we speak before this assembly. Our organization born in 1915, hailed the establishment of the ILO in 1919 and it supports fully the ILO's aims and purposes.

As an international women's peace organization we share the ILO's basic premise that universal and lasting peace can be established only if it is based upon social justice. This goal has yet to be achieved universally and on a sustainable basis in spite of the efforts made over the years by the ILO and other organizations, including the one I represent.

The Director-General in his Report to this session describes the challenges to the ILO in the new international climate of trade liberalization and globalization of the economy. The Report deserves careful reading and debate, not only at this Conference, but by all those who have responsibilities in, and making decisions about, conditions affecting the world of work, which includes not only workers and their unions and employers, but also legislators at all levels and government officials; it also includes women and men generally, because we are all part of it and we are all affected by the liberalization of trade and by the so-called globalization of the economy. For these reasons, we read with interest the Director-General's ideas to reach out to the wider non-governmental community, of which women's organizations are an important sector.

We support the Director-General's views that the "ILO is indispensable for the consolidation of the multilateral trade system", and that the partners in this system must guarantee fundamental rights such as freedom of association and collective bargaining, the prohibition of forced labour, including forced labour of children, minimum age of employment, and non-discrimination (particularly in the form of equal remuneration for work of equal value). We support his view that there are other vital rights that must be recognized. Without a firm commitment by States to uphold these standards, the workers, and among them the most vulnerable of them — women and migrants — will be exposed to even worse exploitation.

We share the concern expressed by many, worldwide, that the globalization of the economy works primarily to the benefit of the major transnational corporations. Their power, already immense in determining financial and economic policies to serve their own interests, will grow, and the pressures they exert will weaken further the possibilities and resolve of national governments to respond to their peoples' demands.

The process endangers the fundamentals of democracy, which require the participation of the people in the debate and decision-making concerning the organization of their societies. Furthermore, during this globalization process we witness the increase of unemployment and poverty. Not a week passes without another corporation announcing the suppression of a significant number of jobs while posting a considerable increase in benefits to the shareholders. No wonder social unrest, tension and violence increase and armed conflict erupts within nations.

We also wonder just how the globalization process affects the United Nations system, of which the ILO is a part.

It seems to us that a hard look needs to be taken at the globalization process in which competition and maximization of profits are the credo, and not cooperation and action for the common good, which are the objectives enshrined in the UN Charter and in the constitutions of its specialized agencies. This is of deep concern to us.

Finally, we would like to express appreciation to the ILO for focusing, or continuing to focus, in the coming two years on promoting democracy, providing support and assistance in the fight against poverty, on protecting workers, with particular attention to the rights of women, children and migrant workers. In the case of migrant workers, we urge that particular attention be given to the protection of women migrant workers and to undocumented migrants.

We are glad to note that the ILO will continue its follow-up work to the World Summit for Social Development and the Fourth World Conference on Women.

And, as a final appeal, we urge that the question of "comfort women", taken up by the ILO, will be taken up again at next year's annual session of the Conference.

Ms. FRANCE *(Employers' delegate, United Kingdom)* — The Report of the Director-General, which we welcome as an interesting and thought-provoking contribution to our Conference debate, highlights the fact that the ILO is facing a crucial challenge.

Does the ILO wish to stay in the comfort zone, continuing to churn out Conventions which create a "feel good factor" at the time of adoption, but are less and less ratified and less and less relevant to the modern world? Or does it wish to foster a renewed commitment to achieving the objectives of the ILO's mandate?

It has a choice — marginalization, or a new direction.

British employers therefore welcome the debate the Director-General has provoked in Part II of his Report, which outlines some suggestions as to how the ILO's standard-setting process can be made more credible. There is a role for international labour standards in protecting fundamental rights and advocating best practice. Child labour is a perfect example of an issue which demands mandatory standards from the ILO. However, this is by no means true for all subjects, where standard setting is sometimes directed to the achievement of a misguided ideal. Standards which are overdetailed, too rigid to be universally applicable, and therefore not ratified.

The employers' attitude towards, and subsequent ratifications of, some of the recently adopted Conventions demonstrates this, and I unhappily predict that the Conventions on home work and contract labour, if adopted, will follow a similar sorry pattern.

We therefore wish to support and debate more fully the issues raised by the Director-General in his Report on standard-setting procedures. How we choose subjects for standard setting, not just using a process of elimination, the role of questionnaires, more use of general discussions, revaluing the role of Recommendations, making a better connection between voting behaviour and a decision to ratify, all bear support and further examination

The Conference sessions of 1997 and 1998 demonstrate how the ILO is at a crossroads. On the one hand we will be tackling the important issue of child labour and revising outdated, but important, Conventions. On the other hand we have invested huge amounts of human and emotional capital, trying to prescribe universal rules on contract labour, when the world is probably crying out for best practice guidelines in this area.

In themselves standards do not create jobs. The ILO also has a key role to play to help its constituents respond positively to the challenge of economic change. Obviously technical cooperation policies have to be a key part of this strategy. The first part of the Director-General's Report addresses another side of this and asks how the ILO can move forward the agenda, following the creation of the WTO and its Singapore Meeting.

United Kingdom employers would not support using trade measures, in however indirect a manner, to enforce labour standards, and in our view the Director-General's idea of the country social label could be seen as a social clause in disguise. More Office work should therefore be done on the issue of current practice and the effects of labelling schemes.

In our view the ILO must take forward the renewed commitment entered into by governments in Singapore on core labour standards, but that does not mean that the ILO should move away from its consensual approach just to steal a march on its competitors. The ILO should act in accordance with its own Constitution and respect the rules of the game of the world trading system.

The promotional work on core labour standards must be continued, but this should not be done with an unquestioning eye. What are the real barriers to ratification? Prescriptive detail? Lack of political will or the tendency of the ILO's Committee of Experts to add additional implementation requirements?

The United Kingdom employers fully support the proposal to draft a solemn declaration of principles, containing the fundamental rights enshrined in the core Conventions. This should be done for adoption at next year's Conference.

The declaration of principles would be a parallel political track which would not replace existing procedures but would form an important promotional tool. The application of these principles by all member States should be supervised, whether they have ratified the core Conventions or not. The Governing Body would no doubt make the initial assessment, but the key questions to ask are whether the country in question is in general compliance with these principles, or making positive moves towards compliance. There should be appropriate treatment for persistent patterns of abuse.

To United Kingdom employers, adopting a declaration is not just about the ILO rushing to respond to the WTO and seeking to justify its own existence, but about the ILO taking forward and updating its core mandate to address and improve workplace human rights in a worldwide context.

Original Portuguese: Mr. DE BARROS *(Workers' delegate, Brazil)* — Madam President, please permit us to express our satisfaction on your election to preside over this assembly.

It is a pleasure for me, on behalf of the General Confederation of Workers (CGT) to be representing here the group of Brazilian workers at the Conference, whom I wish to thank for the support and solidarity they have shown me.

This Conference is of capital importance, since it will be discussing ways of tackling the new challenge faced by humanity, namely globalization.

The discussion of the Report of the Director-General of the ILO is taking place at a very opportune moment after the World Summit for Social Development and the Ministerial Conference of the World Trade Organization in Singapore.

We are experiencing a time in which globalization is making its effects felt, with increasing unemployment, the increase of inequalities and greater precariousness of employment.

The ILO must establish labour standards which will lead to the establishment of a new economic world order to guarantee lasting growth, an improvement in living conditions, political stability, environmental protection and peace among all peoples.

All these elements have to be guaranteed and for this reason we endorse the comments of the Director-General in his Report. We should like to stress that the strengthening of the ILO supervisory machinery has been a topic of permanent debate over the last two years and the time has now come to put it into practice. We consider that this is an excellent opportunity to make effective the strengthening of the supervisory machinery of the ILO, because in the debates at the WTO, the workers presented their proposal for a social clause which should be included in the negotiations of that organization.

However, governments believe that the subject should be dealt with in the ILO and not the WTO and have undertaken to respect principles relating to such matters as freedom of association, the elimination of forced labour, child labour and so on.

Therefore, in order to consolidate that undertaking, it is necessary to establish supervisory machinery that can enable the ILO to effectively supervise the application of the respective Conventions. This instrument will also allow us to see in what manner the economic benefits of globalization can lead to a just and lasting social development. We also believe it most appropriate that one of these instruments should take the form of a code of conduct for enterprises.

The Director-General rightly believes that independent supervisory machinery is essential. The workers are an essential part of technological progress and modernization of the international production system, all of which has repercussions on the quality of production and consumption. That is why it is not possible to accept an economic globalization which excludes the workers.

Neither can we accept that globalization should become an instrument for reducing wages, eliminating jobs and disregarding workers' rights and ultimately threatening the basic principles of democracy.

We cannot believe, at the dawn of the twenty-first century, that the organizations which were established to guarantee lasting peace by means of instruments that would lead humanity forward with a minimum of inequality should close their eyes and fail to support policies whose aim is to ensure respect of the basic rights of workers which are essential to our survival. These are instruments which guarantee peace between peoples, and the search for social peace should be cemented into specific instruments.

In December 1988, the San Salvador Protocol was signed; the preamble of which recalls with satisfaction that the Universal Declaration of Human Rights and the American Convention on Human Rights are based on an ideal of freedom in a world where destitution has been overcome and where conditions have been created enabling everyone to enjoy their economic, social and cultural rights, as well as their political and civil rights. This Protocol, in its various articles, undertakes to guarantee non-discrimination, the right to work in satisfactory conditions, the right to social security, the right to health, the right to a healthy environment, the right to proper food, the right to education, the right to the fruits of culture, the right to the Constitution, to the protection of the family, the rights of children, the protection of the aged and the disabled, and the protection of trade unions.

We cannot pursue the path of globalization without accepting all these principles. For that reason, we endorse what the Director-General says in his Report.

The ILO must draw up a series of instruments enabling it to fulfil its role in the globalization process with a view to ensuring that all its fruits can be used for the benefit of mankind as a whole.

Mr. WILSON *(Workers' delegate, New Zealand)* — On behalf of New Zealand workers, I welcome and congratulate the Director-General on his Report. In particular, I support the Director-General's reaffirmation of the importance, in the context of trade liberalization, of guaranteeing fundamental rights which allow social partners to claim freely a fair share of economic progress.

With the recognition of the fundamental importance of the core ILO Conventions by the April 1995 Social Summit in Copenhagen, the 1996 OECD study entitled *Trade, employment and labour standards* and, most recently, the Singapore Ministerial Conference of the World Trade Organization in December 1996, there can be no question that the ILO has not only a constitutional but also a political mandate for a continued standard setting and social monitoring role in the pursuit of social justice and peace in the global economy.

From the New Zealand workers' perspective, it is important to emphasize the increasing importance of ILO standard setting and supervisory machinery to workers in our country. Currently we have a situation in New Zealand where, firstly, the Government has taken no action to remedy the Freedom of Association Committee's 1994 finding that the Employment Contracts Act breaches Conventions Nos. 87 and 98, has not responded to the ILO's request that it meet with employers' and workers' organizations to discuss amending the Act to ensure compliance, and has ignored the ILO's offer of technical assistance.

Secondly, the Government has taken no action to remedy the breaches of Convention No. 17 relating to workers' compensation. The Government's own estimate is that injured workers are meeting $23 million of their own medical treatment costs for work injuries which, in the terms of the Convention, should be provided at no cost to the injured worker.

Thirdly, the Government has been in breach of Convention No. 42 relating to compensation for occupational disease for 23 years, although I am pleased to say that discussions in Geneva last week involving our Minister of Labour may have remedied that breach at last.

Finally, the Committee of Experts' report to this Conference again questions New Zealand's compliance with Convention No. 100, on equal remuneration. The Equal Pay Act was rendered inoperative in New Zealand by the 1991 Employment Contracts Act, and the gap between male and female earnings has widened.

New Zealand workers are proud of our country, and it is with a real sense of embarrassment that we have to repeatedly call our country to account in ILO fora. It is not simply a matter of failing to comply with the "printed letter" of the Conventions as both our Minister of Labour and Employers' delegate claimed in their speeches to this plenary last week. The breaches I have referred to strike at the very heart of the Conventions.

It is a shameful record for a relatively prosperous developed country, and graphically illustrates why New Zealand workers are strongly in support of the Director-General's proposals.

In particular we support the proposals, firstly, that not only should the ILO ensure that all partners in the multilateral trade system respect fundamental rights, preferably by ratification of, and compliance with, the core Conventions, but further steps should be taken to strengthen the supervisory machinery. Secondly, that consideration should be given to a process of social labelling. We acknowledge that this needs to be done carefully, and requires further discussion. Thirdly, that certain other rights, such as health and safety, should be identified as fundamental and vital. In this regard, I note that none of the major ILO Conventions on health and safety have been ratified by New Zealand.

The Committee of Experts' annual report to the Committee on the Application of Standards is a testament to the shortcomings of the present supervisory machinery. Governments which fail to respect the voluntary system themselves provide cogent evidence of the need for more effective enforcement mechanisms.

The ILO Constitution records that the original contracting parties were moved by sentiments of justice and humanity, and it is important that this spirit remains a prime moving force as we discuss means of ensuring that the ILO can effectively discharge its important role into the twenty-first century.

Mr. BOLD *(Government delegate, Mongolia)* — May I place on record the Mongolian Government's acceptance and support for the Report of the Director-General of the ILO submitted to the current 85th Session of the International Labour Conference.

Mongolia attaches great importance to the role of the ILO in standard setting and the promotion of labour standards. The Government of Mongolia believes the ILO must advance labour standards in accordance with its Constitution and as an integral part of social progress of societies.

It is against this background that Mongolia has committed itself to the ILO Conventions, amongst them to four core Conventions, and almost a dozen other basic labour standards and instruments. Although Convention No. 29 on forced labour and Convention No. 105 on the abolition of forced labour have not, as yet, been formally ratified, their principles and purposes are incorporated in, and enforced by, the 1992 Constitution of Mongolia and national legislation. As a long-standing ILO member State, Mongolia firmly advocates increased acceptance and observance of the core ILO Conventions and strengthened supervisory mechanism to ensure the fullest possible compliance.

At present Mongolia is making preparations, and intends to ratify several ILO Conventions, such as Convention No. 144 on tripartite consultations, Convention No. 155 on occupational safety and health, and Convention No. 159 on occupational rehabilitation. The underlying objective of this exercise is to establish a tripartite consultation machinery and consensus-building procedure on labour protection and social security issues among government, employers' and workers' organizations.

Globalization of the world economy has created new challenges and opportunities. My Government considers that economic growth and development must contribute to the improvement of living standards and the full observance of labour standards. Hence globalization and the realization of ILO goals are interconnected. Mongolia, as a transition economy, has responded to the globalization of the world economy with its liberalization measures, namely, economic structural adjustment policy, with finances, banking, prices, trade and tax reform measures which, we believe, will lead us closer to, and will integrate us into the world market.

The social cost of internationalization of the economy has been great, for there is a strong link between economic growth and social progress, as well as social peace and harmony. It is, therefore, we assume, through realization and implementation of standards that the ILO can contribute to a world economic system based on free, liberalized trade and multilateralism.

Coming now to ILO technical assistance and regional cooperation, the Government of Mongolia wishes to thank the ILO and the Regional Office for Asia and the Pacific for the continued support and assistance they accord to Mongolia's tripartite bodies at this crucial juncture when it seeks to reform national labour standards. We are looking forward to more increased and expanded cooperation in the future, both on the international and the regional levels.

Taking this opportunity, I wish to place on record the Mongolian delegation's support for the initiative the New Zealand Government has taken, to consider at the Twelfth Asian Regional Conference to be held in Bangkok in December this year the following additional agenda item, namely, and I wish to quote, "What new directions shall the ILO take in a globalized world, and what basic reforms are needed for the ILO, and its standard-setting and supervisory machinery, to ensure that the Organization can meet its responsibility to set and deal with internationally recognized core labour standards".

In conclusion, may I wish the 85th Session of the International Labour Conference successful and fruitful deliberations.

Mr. RONNEST *(Employers' delegate, Denmark)* — The ILO, standard setting and globalization are certainly subjects that deserved to be discussed both in their own right and, as in the Director-General's Report, the relationship between them. But it would have been more convincing if the Director-General's Report had not focused to such a great extent on the opportunities globalization creates for the ILO as an organization, and instead had concentrated on the ILO's possible contribution to practical and effective solutions to problems related to the labour market and specifically to employment.

Discussing the ILO's future contribution to the solution of the problems falling within its area of responsibility, it is important that the tripartite structure of this Organization be respected when decisions are taken and activities planned. The ILO must of course respond to decisions taken in other world fora without the ILO's tripartite structure, but it cannot and should not follow them without reflection. It is for this Conference and the Governing Body to decide the policies and activities of the ILO.

The Report of the Director-General presents a wide range of proposals, some of which have been opposed by a number of speakers which is only to be expected as the proposals correspond to linking trade sanctions and labour standards which is an idea that has been rejected on previous occasions.

What is new is the introduction of obligations on member States and consequently on employers and workers in member States — obligations to be determined by the ILO and not following the established legal procedures in the ILO and member States. The ILO is to define a set of principles to be respected by all, the ILO is to establish a new system of supervision, and the ILO is to create a system of social labelling based on the declaration of principles.

This is not only an ambitious plan, it is also a controversial one and probably somewhat unrealistic, but it is in particular a plan described in such general terms that it is close to impossible to see what the real intention and purpose is and how it is to be translated into reality. What it will mean for the labour market, for employment and enterprises seems not to have bothered anybody.

The Report of the Director-General proposes that the ILO is to reform its standard setting, making it more effective and relevant. A reform of standard setting is certainly welcome. It is long overdue. Noting for how long the problems of non-ratification and non-adherence have been known one can only hope that the reform plan will be put into practice and that not only lip service is paid to the criticism of the present system.

Much effort should be put into an effective and precise evaluation of the social impact of the standard-setting system, as is proposed, especially its effect on employment.

Let me add that I also see an urgent need for a reform of the ILO's supervisory system, which today is not seen as unbiased, fair and equal by all ILO constituents. And until trust in the ILO's present supervisory system has been established, I see little chance of or use for an expansion of the supervisory system as suggested by the Director-General.

Mr. GATTEGNO *(Employers' delegate, Israel)* — It gives me great pleasure to join the other speakers in congratulating the President on her election. My congratulations also go to the Vice-Presidents.

Labour relations in Israel have for many years been based on a system of collective agreements. The good relations and the dialogue which exists between the employers' organizations and the trade union (Histadrut) have established patterns and rules for conducting negotiations, while safeguarding industrial peace. Indeed, in recent years, including the past year, there were not many strikes or labour disputes, despite the economic situation in Israel and the resulting need to dismiss workers. In the past years hundreds of thousands of people immigrated to Israel from Russia and the CIS countries. This wave of immigration is potentially able to contribute greatly to Israel's progress and consolidation. At the same time, one of the most difficult problems is to find employment for this large number of immigrants. All those concerned are making great efforts in order to create jobs for them. Large capital investments are needed for this purpose which will encourage Israeli and foreign investments in Israel and the setting up of new plants which will employ both Israelis and immigrants. This is the only possible way in which we can deal with the problem of unemployment, which exists in Israel as in other countries.

Historic changes have occurred in the recent past in the relations between Israel and the Arab States, most significantly the agreement with the Palestinians and the peace accord with Jordan.

Last year meetings took place between business persons from Israel, Jordan and other countries and we hope that these will result in joint initiatives and business which will lead to the economic development of the countries and peoples of the Middle East.

We expressed the desire of the employers, headed by the Manufacturers' Association, to assist in establishing employers' organizations in the territories, to deal with the aspects of labour relations and economics. We also held meetings on these subjects and expressed our desire to assist directly, as well as through third parties which are active in providing assistance in the area.

With regard to the delegation's report on workers in the territories, this report is anachronistic and does not apply to the state of the relations between the Palestinian Autonomy and the State of Israel, and the agreements which have been drawn up on this issue. The time has come to put a stop to the delegations. The Palestinians should be given assistance and guidance on relevant issues — vocational training, small enterprises, employers' and employees' organizations.

The ILO needs to put on a new face and to adjust to the beginning of the third millennium. In a complicated world such as ours, with rapid fluctuations, there is a need to develop proficiency and flexibility which will enable speedy adaptation to changing situations. The ILO must ensure that its experts relate to relevant issues which trouble employees' organizations, employers and States. It would have been more important to create ties and cooperation with other international organizations for the purpose of carrying out joint interdisciplinary activities and not to concentrate on the traditional subjects of Conventions, labour relations, etc.

Regarding payments to manpower and employment agencies, which is one of the subjects on the agenda of this Conference, a law was adopted last year in Israel which regulates the employment of workers via manpower contractors. The law determines that only those who hold appropriate permits may serve as manpower contractors. Permits will be granted only to those meeting the criteria established by the law, and after submission of a financial undertaking to meet all obligations towards the workers. An important item in the law determines that a manpower contractor or employment agent is forbidden to demand or collect payment in any form whatsoever from the worker in respect of services provided or reimbursement of expenses.

Despite the great importance of collective agreements and the establishment of a system of workers' obligations and privileges in such agreements over many years, it is important to point out that in recent years more and more employers and employees prefer to regulate employer-employee relations, conditions of work and salaries through "personal contracts". Whereas in the past personal contracts were signed mainly with senior workers, this type of contract has become more and more accepted at the level of skilled workers within the context of collective agreements.

The personal contract allows for worker mobility and greater flexibility in the system of labour relations, taking into account today's rapid changes in terms of supply, demand and technological developments, and the corresponding changes in needs.

It should be noted that in Israel dialogue and consultations take place at the national level on the subjects of economic and social policy. This dialogue depends on relevant issues and is not defined by law, nor is it dependent on fixed times. We are in favour of such dialogue, but at the same time we are against government intervention in the system of labour relations.

Original French: Mr. DOUALAMOU *(Minister of Employment and Public Service, Guinea)* — First and foremost, I should like to offer to the President and the Officers of the Conference sincere congratulations, on behalf of the delegation of the Republic of Guinea, on their brilliant election to direct this session of the Conference.

My delegation is convinced that under their able guidance, imbued with their wisdom and experience, this session will be crowned by success.

My delegation would also like to comment on the importance and pertinence of the items on the agenda for this session, to thank the Governing Body for its choice, and the Director-General and his experts for the quality of the documents proposed for our discussion.

Before taking up the Report by the Director-General, I should also like to express a few opinions which arise from the consideration of the technical questions on our agenda.

As regards the revision of the Fee-Charging Employment Agencies Convention, 1949 (No. 96), my Government endorses the conclusions of the Officers and considers the issue an important one, given the fact that employment, in the current context of growing unemployment, requires a realistic approach.

As regards the general conditions for stimulating job creation in the SMEs, Guinea welcomes the position taken by the Officers of the Conference and supports the views expressed in the introduction and earnestly hopes that these conclusions will serve to improve the work in ILO member States, international institutions, employers' and workers' organizations, and lead to balanced economic and social development.

Contract labour is an area in which my Government is keenly interested and we have taken steps to revise the provisions of our Labour Code in order to ensure improvement in the social and legal protection of the workers concerned. This is why my country, once again, wishes to congratulate the Governing Body on its choice, and would like to thank the Director-General for the quality of the documents that he has made available for consideration.

The Director-General has also decided to focus in his Report on the standard-setting activity of the ILO; this document demonstrates his characteristic dynamism and conviction.

The elaboration of international labour standards is indeed the primary task before our Organization and is the main concern of all its Members. Highlighting the utility, orientation and adaptability of these standards to the specific situations in the member States of the ILO would be a welcome initiative.

Far from being stereotyped, legal instruments, the Conventions and Recommendations of the ILO must be daily working instruments and rules which express our will to progress in search of the improved well-being of our peoples.

No purpose is served by standards that cannot be implemented. The economic situation does not seem to be the only factor, there are also political trends, habits and customs as well as administrative structures and the development of society itself which have a role to play. This is why certain standards, which were relevant yesterday, have now become obsolete or pointless. The issues are not the same or are no longer current.

It would therefore be useful to devise instruments to suit the constituents. In this regard, I would like to congratulate the working group which has been formed. Its conclusions are most pertinent and will certainly help to update certain standards and to guide future standard setting.

If they are to be adapted to the scope of application, it is also indispensable that national legislation should be as close to international standards as possible and in putting forward new rules and regulations, the member States must take inspiration from the existing international standards while safeguarding the specificity of our individual societies. This is what my country did when in 1985 it revised the Labour Code.

We have benefited from the assistance of the International Labour Office because it is obvious that our institution cannot be content with the elaboration of standards and supervision of their implementation. The ILO must also help member States to understand these standards and to incorporate them gradually into their domestic legislations.

Our position in relation to the standard-setting activity is that there cannot be any real social progress without a solid economic base and if people live in poverty. Indeed, what significance can the standards have for the great majority of our people working in the informal sector and whose modest incomes cannot even satisfy their basic needs?

Priority must be given to economic development which, without real assistance from the developed countries and the international organizations, will be difficult to achieve. All nations should work towards the establishment of fairer and more equitable cooperation links with a view to installing the new international economic and social order for which we earnestly hope.

Indeed, the serious predicament facing the developing countries puts greater responsibility on all developed countries, in particular in relation to the least developed countries. We must consolidate the appreciable results hitherto achieved through development assistance by channelling increased resources into activities which create jobs and income in developing countries.

The standard-setting activity of the ILO is also linked to another very important issue which should not be overlooked, namely, the adaptation of the structures of our Organization.

I believe, in point of fact, that the structures of the Organization are decisive as far as the efficiency of the standard-setting activity is concerned. Even if the principle of tripartism and prior consultation with Members are satisfactory, this alone cannot ensure the success of the standard-setting activity of the ILO. The work which has already begun on the renewal of ILO structures must be pursued in order for our ideals to triumph.

In my country we very much believe in the standard-setting activity of the Organization which is for us a permanent source of inspiration. We will not spare any opportunity to improve our national standards to bring them as close as possible to ILO standards. We will promote social dialogue and hope for better participation in both economic development and in the field of human resources which is our country's greatest asset.

Mr. LOBENDAHN *(Government delegate, Fiji)* — It is my pleasure to extend to you, Madam President, on behalf of my delegation and the Government of Fiji, our congratulations on your election to preside over this 85th Session of the International Labour Conference. My delegation is confident that under your leadership, the Conference will be guided through constructive debates and sound resolutions in its deliberations. In that regard I am happy to assure you of the cooperation and support of the Fiji delegation in completing the tasks which face all of us here at this year's Conference.

We are happy that the Report of the Director-General is devoted to the standard-setting function of the International Labour Organization, globalization and other very important related issues. In a world that is changing, and changing fast, Fiji is convinced that the International Labour Organization has, more than ever, an essential role to play. It can help member States, whatever their level of development, to meet the challenges of an increasingly global economy. We in Fiji believe that the International Labour Organization with its tripartite structure can help shape a world community where freedom of association and free collective bargaining can flourish. That is the way to peace, and economic and social stability.

We agree that the guarantee of rights is a prerequisite for workers to be able to enjoy the benefits of globalization and we have taken note of the need to ratify the fundamental human rights Conventions of the International Labour Organization. We are currently reviewing all our labour legislation and practices, and will shortly be in a position to inform the ILO of the action we will be taking to make our labour laws more effective in dealing with present-day needs. Other labour reforms are also under active consideration, and I feel sure that this will very shortly result in a number of improvements to our current legislation. Towards this end I am personally grateful for the recent assistance provided by the Labour Ministers of Malaysia, Singapore, Queensland and New Zealand.

We acknowledge that globalization is the major feature of our age. It combines the effects of the end of the cold war, the harmonizing of the world market in goods and capital, and the rapid spread of new technologies. This is making globalization a double global phenomenon. It is global in its ever-widening geographic scope, and it also touches upon every aspect of economic and social life.

We in Fiji appreciate that the process of globalization has its down side also. In the industrialized nations it is imposing rapid and painful restructuring, with adverse effects on the employment situation. In the poorer countries, it is liable to lead to greater inequality, and is increasing the risk of certain parts of the world becoming marginalized. We must therefore learn to control the process of globalization better. It must be used in the service of people and aim at improving the quality of their lives. In that connection we need to build safeguards wherever necessary and let us also endeavour to adopt equitable ground rules and a level playing-field.

The question that is before us is how can we promote social justice in a rapidly changing world? These are the basic challenges and the axis around which debate will focus during this session of the Conference. We can no longer consider labour legislation without considering the right to work. We cannot deal with the quality of work, without having regard to the volume of work, and we cannot promote employment without protecting the rights of workers. Everybody is striving for greater flexibility and deregulation, which might result in a greater number of jobs being created but often in unacceptable work environments — conditions that often do not meet the minimum standards of human dignity.

In the meantime, we cannot assume that the world economy will abide by one set of rules, particularly in the social field. Social change is necessary and we should be prepared to abide by certain basic rules that are established with the agreement of member countries.

This is what we would call the social framework for international development that needs to be developed within the procedures of the International Labour Organization. We could start with a hard core commitment to a few international labour Conventions that all would agree to apply.

The social framework for international development could be supported through a greater use of the existing supervisory machinery of the ILO. The supervisory machinery for the application of the principles on freedom of association provides an interesting reference and experience in this area as cited by the Director-General in his Report. Under that procedure, governments or workers' and employers' organizations may submit complaints concerning violation of trade union rights by States, irrespective of whether or not they have ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

The two systems I have mentioned will go a long way in both protecting the workers and ensuring a fair distribution of the benefits of globalization. I am speaking from experience, as the trade union movement in my country has on more than one occasion exploited the latter.

We in Fiji are conscious of our size and, like other small island nations, we are very vulnerable to external changes. We therefore request that our special problems need to be recognized and our shortcomings understood as, within these constraints, we are continuously working to improve matters.

My Government is a party to several fundamental human rights Conventions and we may soon be in a position to ratify Convention No. 87 dealing with freedom of association. However, we trust that the International Labour Organization will gauge our observance of its Conventions in terms of our economy and level of development.

We recognize that the social partners have to display consistent goodwill. However, we have to resort to the Pacific way of solving our problems for we believe that, taking into consideration our current economic situation and existing labour legislation, we may not at present be able to fully observe the letter of some of the Conventions we have already ratified.

I call for a balanced judgement on the activities of my Government in regard to the implementation of ILO standards. We are currently going through a very important era, a transition period when we are trying to formulate a revised Constitution, whilst our economy is trying to grapple with the global changes that have taken place over the last decade. Allow us therefore to carefully follow the path we have mapped out for ourselves. Let the ILO provide us with guidance so that at the end of the day the citizens of my country may enjoy a higher level of social justice and a better quality of life.

Madam President, in closing, I reiterate the best wishes of my delegation and Government for a successful Conference under your leadership.

Original Spanish: Mr. GOMEZ ESGUERRA *(representative of the Latin American Central of Workers)* — We have taken note of the Report of the Director-General and wish to state that it is indeed a very important guide for ascertaining exactly how to channel our energies in the immediate future.

Nevertheless, on behalf of the Latin American Central of Workers, I wish to express our grave concern for the true scope of globalization of the economy, since it is in essence, in the light of this new situation that in our world, and particularly in the so-called underdeveloped countries, all kinds of obstacles are being raised against workers and their organizations

The processes of modernization, privatization and so-called globalization have led to greater institutionalization of poverty, the widening of the gap between rich and poor; flexibility has made headway in our countries, trampling not only our workers and populations, but also destroying our fragile productive apparatus and subjecting our economies to the decisions and restrictions imposed by the centres of power.

With due respect, we would like to mention a few examples of the way in which the so-called globalization affects and determines the present and future of our peoples. In Guatemala, in spite of a number of peace-making efforts, the rights of workers are being violated repeatedly and in many cases violently so. The holocaust for unions in Colombia is continuing. Several of them, particularly those in the oil industries, are branded as terrorist. In Ecuador, Peru and Venezuela the rights of workers are being constantly violated and while globalization is very much in vogue, we are witnessing, with great concern, perverse development of anti-union policies which will seriously jeopardize the consolidation of democracy and peace in many parts of the world.

For the trade union movement, it is most encouraging to note the position taken by the ILO Director-General to proceed with the standard-setting activity of the ILO on some rather pressing issues, to strengthen the supervisory instruments, and to see to it that globalization does not become a mechanism which focuses its energies on economies while disregarding the social aspects of development.

Would it be possible, on the threshold of the new millennium, to build a new world founded only on the laws of the marketplace? Would it be possible to guarantee world peace in the midst of injustice? Would it be possible to speak of development while tens of millions of children are working in conditions of slavery to settle debts and under extreme exploitation? What kind of globalization are we talking about when we have millions of workers reduced to working under the scourge of the informal sector?

The challenge of our times must be faced with full responsibility if we wish to avert a holocaust.

One final thought: according to the ILO Constitution "... universal and lasting peace can be established only if it is based on social justice". Therefore, it takes only one country to fail to comply with the Conventions and Recommendations of the ILO for world peace to be threatened.

Mr. AKRAM *(Government delegate, Pakistan)* — We wish to express our felicitations on the election of the President of the 85th Session of the International Labour Conference. The issue before the Conference this year is an extremely important one. Some interesting statements have been made by distinguished ministers.

The ILO is a unique organization because of its tripartite structure and objectives of promoting social justice. Over the last 78 years, it has accumulated unrivalled expertise and competence.

Pakistan attaches the highest importance to its ILO membership. We have ratified 31 ILO Conventions, among which, five are the core labour Conventions. Pakistan has committed itself to participate actively in the elaboration of the Convention on the elimination of intolerable forms of child labour. Notwithstanding occasional differences of interpretation on the application of certain standards, the ILO's supervisory mechanisms have helped us in the implementation of the ratified Conventions. The Government of Pakistan will continue to cooperate with the ILO and to take full cognizance of its observations and suggestions.

We have also benefited from the ILO's technical assistance especially through its IPEC programme.

The Government of Prime Minister Nawaz Sharif is committed to the eradication of the abominable practice of forced labour and to safeguard human rights, in particular to save the young from the crushing burden of child labour. We are furthermore committed to making rapid progress towards the fulfilment of these objectives.

The Declaration of Philadelphia proclaims that "poverty anywhere constitutes a danger to prosperity everywhere". In the poorer countries we must first have the opportunity to work before we can consider improvement of working conditions. Workers in developing countries have limited choices because of the absence of real development and employment opportunities. Those in greatest need of ILO's assistance are therefore the workers in the developing countries. It is the ILO's responsibility to ensure the promotion and protection of the rights of the majority of workers through greater emphasis on generating employment, lowering unemployment and eliminating disguised unemployment.

The workers in the developing countries should be also protected from the loss of employment as a result of trade restrictions often imposed on the pretext of promoting labour standards.

Historical experience shows that higher labour standards are primarily a consequence rather than a cause of economic growth. The surest way to improve labour standards in the developing countries is through economic growth and development.

We have read the Report of the Director-General to this Conference on standard setting. My delegation associates itself fully with the statement read by the Minister of Colombia on behalf of the non-aligned countries. This has offered an alternative, more realistic and more acceptable approach to promote core labour standards.

There is no contention about the need to promote such core labour standards. In many countries conditions can, and must, be improved.

We are convinced that the first and most important step towards the implementation of core labour standards is the ratification of the relevant Conventions by all member States. Such ratification would strengthen the ILO's effectiveness and ensure the optimal utilization of its supervisory mechanisms.

We believe that the possibilities offered by the ILO Constitution for standard setting and supervision have not been exhausted. The current machinery can be put to better and more effective use through streamlining and by ensuring its impartiality and transparency.

States which encounter difficulties in the implementation of standards ought to be assisted by the ILO and the international community.

We agree that, like other institutions, the ILO has to adapt to changing circumstances. The ILO's future lies in catering to the needs of its constituents: governments, employers and workers with as broad a consensus as possible. This principle of consensus should be the driving force in all its activities: standard setting, technical cooperation and analysis. As long as it continues to adhere to this principle of consensus, the ILO will not only preserve but enhance its unique role in promoting social justice throughout the world.

Ms. ELIAS *(Government delegate, Papua New Guinea)* — Madam President, on behalf of my Government and the people of Papua New Guinea, I too join the others before me to extend and express our warmest greetings and congratulations on your election as President of this august assembly.

Indeed, you have done us women proud in bringing to the Chair gender balance, with such distinguished experience and qualifications of good standing, for you to guide the deliberations of this important forum to a successful conclusion.

With respect to the Report of the Director-General, we cannot help but note that globalization is here to stay. Globalization and the various forms it takes — including regional integration, growing trade liberalization and the increasingly influential role of world summits and major regional conferences — has prompted the ILO, as an institution in its own right, to take up the daunting task of re-examining its strategy and challenging the social dimensions of the issues at major international meetings, thus reaffirming the importance and significance of its mandate, particularly the standard-setting activities and mechanisms to enforce instruments to protect workers' fundamental rights.

As a small developing but democratic country, Papua New Guinea takes cognizance of the primary objectives of the ILO, which have always been to promote democracy and human rights, the fight against poverty and the promotion of equality and adequate protection of all categories of workers. Although the Director-General's Report appears ambitious, it is positive, it is appropriate and a timely universal concern.

The Report did not emphasize the risks of globalization. None the less, member States, whether developed or developing, cannot afford to deny or turn a blind eye to the background against which this Report was written. This background is one of serious and major economic and social problems throughout the world. Today, mankind is undergoing a transformation of unprecedented magnitude and speed, affecting all spheres of economic and social life.

Globalization is shaking and redefining the structures and functioning of the world economy. While we do not dispute that it offers unprecedented opportunities for all countries, and most particularly for developing economies, we cannot ignore the calls throughout the world alerting us to the risks associated with the globalization process as far as human and social progress is concerned. But empirical evidence shows the richest countries are the ones that are benefiting most, whilst the poorest countries lag ever further behind.

The social situation continues to be dominated by high levels of unemployment in industrialized economies, and unemployment is even higher in developing countries. Papua New Guinea is of no exception to this unfortunate predicament.

It is in the best interests of both the ILO and its constituents to zealously guard its continuing relevance and effectiveness. Positive measures have been taken by the ILO in initiating a series of reforms through the implementation of its active partnership policy. None the less it still remains to be seen how under such policy the ILO, in aligning its activities, will, in fact, counteract anticipated adverse social impacts induced by trade liberalization and globalization. During this transitional period, it is imperative that the ILO make a contribution towards overcoming these problems and assisting developing countries by working to strengthen our democratic institutions, including employers' and workers' organizations, systems of industrial relations and tripartism, and towards ensuring adequate occupational safety and health resources at the workplace. Ultimately, it requires maturation on the part of the ILO and its institutions, including the regional offices and officers, to be fully functioning, to foster and strengthen collaboration between member States and the ILO headquarters and regional offices. Above all, there is a need for clarity and unity of vision.

We pledge our support and confidence, in the belief that the ILO will take account of the diverse views submitted during this plenary session and the various tripartite committees on standing items of the Conference, and this will assist in the ILO's endeavour to enable the Organization to carry out its mandate fully so as to achieve its objectives and live up to expectations.

My Government cautions that the ILO must be sensitive about the advance of liberalization and globalization in our young developing economy, given the fact that we lack the competitive edge, that globalization of Papua New Guinea should not be at the expense of economic progress of the developed and newly industrialized countries, that globalization is not economic development bias, but social protection and social progress are part and parcel of the progress of globalization around the world. It is for this reason that my Government concurs with the ILO's re-examination of its Constitution, standard setting, and its approach in the application of ILO instruments by member States in this Conference.

My Government undertook a broad range of governmental reforms geared towards accommodating the demands of the structural adjustment programme, more particularly constitutional and public service reforms, to be responsive to the needs of the people, especially in the rural areas of the country.

Also, our monetary, fiscal and macroeconomic policies have very strong implications for opening up the economy, with less government intervention, to facilitate a more market-oriented economy.

For many years, Papua New Guinea has been adjusting its social and economic policies, with greater emphasis on job-creation initiatives, to absorb many young people leaving school every year, and to cope with the growing social problems associated with the high level of unemployment in our country.

My Government therefore salutes the continuous work of the ILO to develop instrumentalities for application by member States, which allow us to promote and create jobs. We appreciate the ILO's contribution in numerous ILO projects and missions to Papua New Guinea over the years.

To conclude, my Government would like to see the ILO Suva Office vigorously pursue, to fruitful conclusion and implementation, a programming mission to Papua New Guinea this year, to develop a Papua New Guinea plan of action, to coordinate all ILO activities and programmes in the country concerning the labour issues stated above. We believe that, if this initiative is followed through and implemented, it would contribute positively towards minimizing our social problems and lend support to the country's development and economic growth.

Mr. AHMED *(Workers' delegate, Pakistan)* — In the Name of God, Who is kind and merciful. On behalf of the Workers' delegation of Pakistan and on my own behalf I offer greetings and good wishes to all delegates and offer our felicitations to the President and Vice-Presidents on their unanimous elections.

The working class of Pakistan commends the useful work being carried out by the Director-General of the ILO and his able team and the distinguished members of the Governing Body during the year.

The importance of the ILO core standards has been stressed from time to time by all those who believe in improving the socio-economic condition of the workers, since these fundamental human rights are universal in their application. That is why the World Social Summit was upheld by all the member States, imposing the responsibility on the ILO as the leading agency in poverty alleviation and employment promotion.

Therefore, we not only urge the ratification of these core Conventions by all member States, but also their implementation in letter and in spirit in the respective States. However, the ILO has the responsibility to promote these standards, by expanding its technical assistance programme, since we have a world in which 1.3 billion people live below the poverty line, 160 million children are malnourished, and one-fifth of the population is not expected to live beyond the age of 40, due to lack of health facilities.

Millions of children have no access to education, due to the poverty of their parents. That is the reason that the Declaration of Philadelphia has emphatically declared that "poverty anywhere constitutes a danger to prosperity everywhere". The debt burden of the developing countries has increased enormously. Instead of transferring resources from North to South the reverse is taking place. At present that burden to the developing countries amounts to more than US$207 billion. The 48 less developed nations, representing 10 per cent of the world population, have halved their share of trade to just 0.3 per cent in the past 20 years. It requires international action, better trade policies, fair rules and fair terms for poor countries to enter the markets, and special action to prevent countries sliding back into further poverty, as well as peace-building efforts and debt relief. These commitments have been further reiterated in the United Nations Human Development Report of 1997.

Pakistan has recently had a new election. Mian Nawaz Sharif, the Prime Minister, has committed himself to improving workers' welfare, and to poverty alleviation and employment promotion. We had the honour to receive Mr. William Brett, Workers' Vice-Chairman of the ILO Governing Body, in Pakistan, who not only met the Prime Minister and other dignitaries but also addressed the trade union conference.

The working class of Pakistan have united themselves under one umbrella organization, the Pakistan Workers' Confederation, and has been building social alliances with other patriotic sections of society in order to tackle the socio-economic problems facing the working class and the poor masses.

The newly elected Government is required not only to govern both well and transparently, and to set an inspiring example, but also to introduce radical social and economic reforms to root out the outdated feudalistic system by introducing progressive vocational education, employment and social policies in line with the ILO Conventions ratified by the Government of Pakistan, and in particular by removing restrictions to the exercise of the right to freedom of association in radio, television, railways and the banking industry, and by strengthening tripartism. We also seek the support of the ILO in regard to the social dimension in the process of structural adjustment being carried out in our country.

Pakistan has been tackling the issue of child labour through the ILO's IPEC programme and the Sialkot Chamber of Industry has recently concluded an agreement with the ILO/UNICEF for the rehabilitation of children employed in the sports industry.

We welcome the initiatives of the ILO and, on behalf of the working class, voice our full support for them. We appreciate the role of the ILO in workers' education, employment and policy development, improving working conditions, migration, standard setting, industrial relations and the work of its branches and the International Institute for Labour Studies, the Turin Centre, the regional department for Asia and the Pacific and also the office in Islamabad.

We also welcome the Report of the Director-General on the situation of workers of the occupied Arab territories, and consider that more technical assistance should be given to the Arab workers and more support to the Middle East peace process.

To conclude, we wish this historic Conference every success in its deliberations to achieve a better tomorrow for working men and women all over the world.

Original French: Mr. DA SILVA DURÃO *(representative of the Federation of International Civil Servants' Associations)* — I am extremely honoured to address this august assembly on behalf of the 32,000 civil servants of the United Nations which the Federation of International Civil Servants' Associations represents.

At the very time that this session is being held, international civil servants are being attacked on several fronts, to such an extent that the question must be asked whether the ultimate goal is to break up the United Nations system and replace it by a hybrid system, serving private interests, where profit is the only leitmotiv.

Several times the workers of the United Nations have sounded the alarm in connection with these attacks, perpetrated or encouraged by the most powerful States which see the current structure of the United Nations as restrictive to their particular agendas.

One issue which is a source of considerable concern among employees is the process of reform the United Nations is currently pursuing. We fully agree on the need to reform the system, but reform what and for the benefit of who are the questions to be asked. If it is a matter of reforming the system in order to benefit private interests which are at best suspect to the detriment of the workers, our answer is a clear-cut no. Certain voices of authority, such as the Executive Director of UNICEF, are beginning to express concern as regards this reform. Several times we have asked to participate in the working party responsible for the reform, and have received no response. It is unacceptable that the employees of the United Nations should be marginalized from a process which first and foremost concerns them, because they will be the ones to bear the full brunt of the reform.

At the same time, a group of persons who believe they have the monopoly on absolute truth and wisdom have prepared a new code of conduct for the workers of the United Nations. This code, whose provisions recall to a certain extent the darkest days of McCarthyism, violate the workers' rights in general and their right to freedom of association in particular. There are provisions to prohibit the personnel from striking, from striving to improve their working conditions, from contesting decisions that are unfavourable to them and from communicating with the press. Such provisions are preposterous on the eve of the twenty-first century and are of particular concern to the International Labour Organization, because they run counter to all Conventions on work and freedom of association. But they are also of concern to each of us, because they constitute a serious violation of human rights.

FICSA appeals solemnly to the International Labour Conference to call on the United Nations to take the necessary measures to ensure that the new code of conduct respects the rights of workers as provided in the ILO Conventions.

A further matter of concern has been the interest expressed by the Director-General of UNESCO to create an internal tribunal in that organization on the pretext that the decisions of the ILO Administrative Tribunal are not to his liking. This reflects the trend being followed by certain decision-makers who consider our organizations as their private domain where they are free to do whatever they like, regardless of any prevailing principles or regulations, and to the detriment of the workers.

It is also inadmissible that the workers of the United Nations continue to be refused the right to negotiate their own employment conditions, a right that is however recognized in the Conventions adopted by the International Labour Conference and implemented in practically all democratic countries throughout the world. Are we, the workers of the United Nations, pariahs of society? Should we really continue to carry the yoke of antiquated provisions that are in entire contradiction with the most basic tenets of the right to work?

FICSA has on several occasions asked for a tripartite body to be set up within the United Nations system to determine the conditions of employment of the workers in that system. This body would be composed of an equal number of representatives of member

States, organizations and workers. Unfortunately, our requests have so far remained unanswered.

United Nations civil servants hope the International Labour Organization will take dynamic action to defend their rights. In our view, the ILO should act as the guardian of the people, a temple whose foundations are unfortunately being increasingly eroded.

Once more, we appeal to the International Labour Conference to support the efforts of the workers of the United Nations in their daily struggle to have their rights recognized. If we do not tackle these crucial issues now, there is a danger of certain situations being imposed, not without brutality, on workers throughout the world, in the not too distant future.

Original French: Mr. CLESCA *(Employers' delegate, Haiti)* — Madam President, may I first of all congratulate you on your election to preside over the 85th Session of the International Labour Conference and also for the manner in which you have accomplished this task. Please be so kind as to extend our congratulations to the other Officers of the Conference who so ably assist you.

The Report of the Director-General gives us the occasion to praise the determination of the ILO for the elaboration of labour standards that are universally recognized and that are formulated in a manner acceptable to all, as well as for the supervision of their implementation. It is for these reasons that the standard-setting activity of the ILO was officially recognized by the Heads of State on the occasion of the World Summit for Social Development in Copenhagen leading to their commitment to promote the ratification of the core Conventions. The role of the ILO was also clearly recognized by the WTO which, in its Singapore Ministerial Declaration, called it the "competent body to set and deal with these standards".

The employers of Haiti cannot fail to take this opportunity to denounce the action of certain special interest groups which, on the basis of so-called inquiries, are conducting a campaign of defamation against the export industry of Haiti, attempting in this way to discourage trade relations with Haiti. This is the case of the National Labor Committee (NLC), an institution based in the United States, which in January 1996 published a one-sided report questioning working conditions in the industrial sector of Haiti. However, following this accusation two fact-finding investigations were carried out, one by the labour department of the Ministry of Social Affairs, and the other by the Tripartite Advisory and Arbitration Committee, both of which failed to corroborate any of the allegations contained in the NLC's report.

In the new environment of global competition, a minimum standard of ethics ought also to be observed. The employers of Haiti therefore support the proposal of the Director-General to reiterate the basic principles of the ILO in the form of a Recommendation and to establish a tripartite follow-up mechanism. The ILO remains for us the best moral reference.

And since we are speaking of global competition, we must also stress the fact that the concept of economic globalization, while conveying much hope, also gives rise to certain concerns, both on the part of the employers as well as on the part of the workers of Haiti. Subjected to competition for which we are unprepared both financially and structurally, we consider that the international community should devote special attention to the training of local entrepreneurs, as well as civil servants, in order to promote a clear industrial and commercial policy.

Economic integration and raising the level of the least developed countries should go hand in hand. Social progress cannot be attained without its corollaries of production and employment, just as the consumer markets that are sought by the multinational corporations cannot develop in a society that is totally dependent. As the Director-General has put it, globalization cannot be left entirely to its own devices.

Ms. BALSIENE *(Workers' delegate, Lithuania)* — I address to the President my warmest congratulations on her election. This is a very positive element which augers well for our Conference. I should like to congratulate the Director-General and all his staff on all the work they have accomplished over the last year.

Today I have the opportunity to thank the ILO leaders, the specialists working both in Geneva and in the Budapest Office. I would like to thank the ILO specialists who acquaint the ordinary workers, trade union members and leaders with the international labour standards and national laws which regulate the rights of workers. The tripartite collaboration and the mutual understanding of the three social partners started to develop thanks to ILO representatives and the training and conferences they have organized. Only social dialogue, the common solution of problems and the coordination of interests can ensure social peace and democracy. With the help of tripartite dialogue we have managed to find solutions that are acceptable to all when addressing very acute problems and conflictual situations.

I would like to stress that the activities of all international organizations, the representatives of which we have here today, are very important and worthy of great gratitude. The ICFTU and ETUC lobby activities at the top level have the aim of raising social issues and listening to the voice of workers in the era of globalization and the concentration of capital. The experience of foreign countries where industrial relations are highly developed and where real trade union movements are a traditional feature and have achieved a great deal are very important too. Their lessons of solidarity, moral and financial support are very important for us. Their lessons help us in Lithuania to learn about real trade union activities, to defend human rights in every possible way within the framework of the law and to become equal partners with employers and the Government.

The constantly changing situation demands that trade union leaders and ordinary members be highly professional. It is not enough just to be brave and honest. It is necessary to understand law, economics and to know about the economic situation of enterprises. It is necessary to be diplomats when negotiating with employers and to be a lobbyist when communicating with politicians.

Trade unions serve their real purpose during the transition period from a planned to a market economy. They become a very important balance which does not allow human rights to be violated and helps orient the changing situation. The market economy follows the planned economy but there are no principles of democracy. As regards the national situation, it is one in which we have growing unemployment, decreasing social guarantees, and conditions dictated by foreign capital. We are integrating ourselves into a world where industrial relations, the market economy and labour culture are developed to a level incomparable with ours. It is these conditions which influence the social, economic and political life of our society and it is very difficult for the ordinary members of society to find their place during such changes.

One of the reasons for the economic decline in the countries of Central and Eastern Europe is that our societies were used to working under the planned economy system. Today it has become clear that now that Lithuanian independence has been restored, it is necessary to pay more attention to education and learning. To develop a new approach to work we need a new labour culture and to treat each worker as an individual. The majority of steps taken by our new governments were populistic and sometimes the advice of foreign experts was in contradiction with the economic conditions of our countries and with our mentalities. And now it is becoming increasingly clear that the governments of our countries must pay more attention to adult education in order to develop the market economy successfully, to enter the world markets and to create democratic societies. Perhaps this will prove an effective way of overcoming the indifference and the fear and will encourage hope and the will to take care of other people. Only then will it be possible to speak about civic society, in which a neighbour feels that it is not the same for him if you have a job or not, and if your children are hungry. Civic society must take care of itself, as well as of the fate and the situation of people in other countries.

It is a pity, but in the countries of Eastern Europe we feel the strong influence of international capital and of foreign employers, and the opinion exists that trade unions are a harmful influence on the conditions of the market economy, and it is necessary to weaken them. Such opinion stimulates employers to violate trade union rights, not to accept trade unions as equal partners and to neglect tripartite dialogue.

The changes which people in the countries of Eastern Europe face, namely the transition from planned to market economies, influence all spheres of life and all people. But there are changes in the world as well which are also influencing the industrial countries. Unemployment and poverty are growing, social guarantees are decreasing, and this proves that we are all one big family and we must solve the problems and seek solutions together.

I would like to underline once more that we appreciate the activities and the support of our colleagues. I also wish to add that despite the fact that we are a small country, according to our possibilities we are trying to help others who are weaker than we are.

I wish you success, tenacity and courage in your work.

Mr. TAMPOE *(Workers' delegate, Sri Lanka)* — I am the General Secretary of the Ceylon Mercantile, Industrial and General Workers' Union, also known as the CMU and my name is Bala Tampoe. Although the trade union movement in my country is divided, I am glad to state that I have been nominated by the Government of Sri Lanka as the Workers' delegate to the 85th Session of the International Labour Conference for the first time. This was on the basis of the consensus among representatives of the other trade union organizations in Sri Lanka who were consulted by the Minister of Labour and Vocational Training, the Honourable Mahinda Rajapakse, MP, in accordance with the guidelines of the ILO in the choice of Worker representatives. The other workers' organizations so consulted, and represented by advisers in this session, are the Ceylon Workers' Congress, Nidahas Sevaka Sagnamaya, the Ceylon Federation of Trade Unions, the Ceylon Federation of Labour and Jathika Sevaka Sangamaya.

I venture to think that all delegations to this session would have benefited from the Report of the Director-General on *The ILO, standard setting and globalization.* I also think that the Workers' delegations would support a declaration by this Conference that "even in the absence of ratification of the relevant Conventions, all member States, by virtue of their acceptance of the Constitution and the objectives and principles of the ILO" should be "bound to a minimum of obligations with respect to fundamental rights", as envisaged in the Report. I agree that these should necessarily include Conventions Nos. 87 and 98 on freedom of association and collective bargaining, as well as the prohibition of forced labour, including forced labour of children and non-discrimination (particularly in the form of equal remuneration for work of equal value). As the Director-General states, this would provide a constitutional basis for the ILO to act in promotion of these fundamental rights, by suitable mechanisms that would ensure not merely their ratification, but also their implementation both in law and in practice, as is required by the Constitution. He appears to consider this to be necessary for the ILO to guarantee those fundamental rights in the context of trade liberalization and globalization of the capitalist market system.

I must say, however, with due respect to the Director-General, that I do not subscribe to the view that the suggested declaration, any more than the Declaration of Philadelphia, would cause the labour power of workers in the global capitalist market to cease to be as much a commodity as are all other commodities in that market.

In any case, the history of the ILO, 50 years after the Declaration of Philadelphia, has shown that despite its tripartism, neither the governments of its member States, nor the employers represented in it, can be seriously regarded as being "social partners" of the workers in any of those States. I would think that most of the workers in the industrially developed countries have shed whatever illusions they may have had in this respect, with regard not only to their employers — be they public or private — but also to democratically elected governments, even though they may have been elected with broad trade union support. On the other hand, no one can seriously contend that the governments and the employers throughout the rest of the world today are "social partners" of the masses of the workers, who are mostly unorganized and find employment, if at all, in the ever-increasing informal sector, and who are exploited and/or oppressed in one way or another, with all too frequent violations of their fundamental rights by employers or governments.

I am sad to say that even in my own country, described in its Constitution as the "Democratic, Socialist Republic of Sri Lanka", even today freedom of association and the right of collective bargaining are not guaranteed "in law and in practice" for the vast majority of its workers in the urban, rural and plantation sectors, notwithstanding the fact that ILO Convention No. 87 was ratified in November 1995 and that ILO Convention No. 98 was ratified as far back as 1972.

The reason is not far to seek. It has been implied in the speech of the Honourable Minister of Labour and Vocational Training of Sri Lanka to this Conference on 13 June. He raised what he described as a very pertinent question — "Is there a link between inflow of foreign investment and labour laws and labour standards?"

What the Minister did not state is that the National Workers' Charter, promulgated by the President of Sri Lanka on 2 September 1995, after tripartite consultation has, despite his efforts, been withheld from legislative implementation due to open and hidden pressures upon the President and her Government from both foreign and local capitalists. They consider that even existing labour laws, such as the Termination of Employment Act of 1971, are an impediment to investment and purported employment creation. Instead of agreeing to the legislation already drafted to implement the principles of state policy in regard to employment and labour relations, as set out in the Workers' Charter, they demand an "Employers' Charter"!

On the spurious plea of "competitiveness", what is being demanded is greater "labour flexibility" and increased "productivity" in the so-called private sector, which is being extended by privatization, without regard for the rights of workers under existing labour legislation. Such rights have been secured mainly by trade union and political agitation, since Ceylon (now called Sri Lanka) became a member State of the ILO in 1948, the year in which I became General Secretary of my Union. It was in that year, too, that ILO Convention No. 87 on freedom of association and the Declaration of Philadelphia were adopted by the International Labour Conference.

In the circumstances, I would welcome whatever steps the ILO may take in pursuance of the "declaration" that has been suggested by the Director-General, if the other "social partners" represented at this Conference are persuaded to support it. I doubt this for the reason that the profit-making objectives of capitalist corporations are becoming increasingly incompatible with the human and democratic rights of working people and of global society itself today, whilst most governments act in collaboration with, or in subservience to, them.

Nevertheless, Madam President, may I wish you whatever success you might achieve at this Conference in relation to the suggested declaration on fundamental rights and the adoption of a meaningful Convention and Recommendation on contract labour.

(The Conference adjourned at 5.45 p.m.)

Seventeenth sitting

Tuesday, 17 June 1997, 10 a.m.

Presidents: Ms. Sasso Mazzufferi, Ms. Keltošová

DECLARATION BY THE PEOPLE'S REPUBLIC OF CHINA CONCERNING THE APPLICATION OF CONVENTIONS TO HONG KONG

Original French: The **PRESIDENT** (Ms. **SASSO MAZZUFFERI**) — I give the floor to the Clerk of the Conference to read out a declaration by the People's Republic of China concerning the application of Conventions to Hong Kong.

The **CLERK OF THE CONFERENCE** — On 10 June 1997, the Director-General received 46 notifications from the Government of China concerning the application or continued application to Hong Kong after 1 July 1997 of international labour Conventions. These notifications will be registered as of 1 July 1997 and will ensure the continued application to Hong Kong from that date of all the Conventions which were applicable to Hong Kong until that date under declarations made by the Government of the United Kingdom, except for three, which were specifically designed for non-metropolitan territories.

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

Original French: The **PRESIDENT** (Ms. **SASSO MAZZUFFERI**) — Let us now resume our discussion on the reports of the Chairperson of the Governing Body and of the Director-General.

Original Russian: Mr. **SHAKARIMOV** *(First Deputy Minister of Labour and Employment, Tajikistan)* — Madam President, may I start by congratulating you on your election. We are convinced that, under your leadership, this 85th Session of the Conference will occupy an important position in the further enhancement of our Organization's role in securing social justice in the age of globalization.

May I also pay tribute to the Director-General of the ILO and congratulate him on his most comprehensive Report in which he analyses the problems involved in, and the possibilities for, upgrading the Organization's standard-setting activity in endeavours to live up to the responsibility the ILO bears for social progress in a globalizing economy.

The delegation of Tajikistan fully supports the position taken in his Report that the complex economic interdependence involved in the trade of goods and services and capital flows has highlighted the need for compliance by all ILO member States with fundamental social and worker rights.

Although the Republic of Tajikistan is such a young member of the International Labour Organization (we only joined at the end of 1993), we have however ratified 42 Conventions and they are now all in force. Moreover, my country has ratified six of the core Conventions mentioned in the Report and is now examining ratification prospects for Convention No. 105 on the abolition of forced labour. By virtue of our Social Partnership Act, these issues are reflected in a General Tripartite Agreement signed between the Government, trade unions and employers.

In our opinion, the Director-General draws a most important conclusion, namely that, as globalization progresses, the ILO must present to each member State guidelines which can be utilized locally and which will assist them gradually, but consistently, in moving towards their own objectives. This is particularly important for us. As you know, the Republic of Tajikistan has recently gone through the most difficult period of its whole history. In the civil war, we lost tens of thousands of people, more than 250,000 houses were destroyed, burnt and plundered, 850,000 people became refugees and forced migrants. Practically one-third of the whole population suffered as a result of this armed conflict. At the moment we have reached a new stage of political stabilization. Tajikistan is firmly advancing towards the creation of a democratic, secular State with the rule of law. The Constitution has been adopted by referendum; the President of the Republic was elected by universal suffrage, and the activities of the Parliament or "Mazlisi Oli" are in full swing — indeed it adopted the Labour Code only a few days ago. In a few day's time, President Emomali Rakhmanov and the leader of the united opposition, Abdullah Nuri, will be signing a final peace agreement with UN support. Over the next 12 to 18 months we hope to complete the work of returning our refugees to their former homes, but many of them will find destruction and have no roof over their heads because of the extremely low standard of living in our country (the average wage in Tajikistan is one-tenth of that in neighbouring countries of Central Asia). They are lacking in food and medicines of all kind; there is hunger and disease. In this context, I cannot agree with the Director-General's assertion, made in the introduction to his Report, that, as globalization proceeds, it is not so important for the ILO to act as a guarantor of global peace through social justice. We see global peace not only as the absence of international but also domestic conflict. The example of Tajikistan demonstrates that this problem remains a real one for a whole series of countries, given that, in our opinion, "global peace" and social peace are interdependent and destroying the foundations of social justice may be one of the principal causes of social tension, of acute political crises and military conflicts. It is becoming ever more important for the ILO to maintain its role as a guarantor of social peace.

Tajikistan, as an economy in transition undergoing reforms and structural adjustment, faces serious complications in selecting its priorities. The problems are particularly acute, given that the civil war sharply reduced our financial and other resources which could otherwise have been devoted to urgently needed social welfare and to securing conditions for survival.

In this respect, the Government of Tajikistan seeks to elaborate and sign an agreement with the ILO in the very near future, regarding medium-term cooperation on priority social and labour issues, covering at least the period from 1997 to 2000. We would be pleased to host a group of ILO experts for the drafting of such an agreement.

In the light of the specific social and economic conditions prevailing in our country, we need the ILO's technical assistance, particularly with regard to employment generation, training, the retraining of unemployed persons, refugees, women and young people, given that the return of refugees and forced migrants has seriously aggravated the problems on the labour market: almost half of the nation's working population is not at present engaged in productive employment and is, for all intents and purposes, unemployed. Consequently, we seek to draw upon ILO experience as well as technical and advisory support with regard to planning, elaborating and implementing programmes to develop self-employment and profitable forms of activity at a local level in the most socially and economically disadvantaged rural areas. At the same time, we would be grateful to receive practical assistance and advice on modern vocational training, and retraining methods with an emphasis on self-employment and small enterprises. We are, for instance, prepared to cooperate in the introduction of ILO methodologies regarding the module-based training of the unemployed, the development of vocational training programmes for the self-employed and profitable forms of activity at the local level, the creation of machinery and programmes for technical and material support to the self-employed; and any other ILO experience in employment generation would be of interest to us.

Madam President, I thank you for this opportunity to speak and for your kind attention.

Mr. MANOLOV *(Workers' delegate, Bulgaria)* — Allow me first of all to congratulate the President on behalf of the Bulgarian workers and to express our confidence in the fact that under her skilful leadership this session will achieve beneficial results.

I would like to express the Bulgarian workers' appreciation for the core issues chosen by the Director-General, namely the impact of globalization on the application of international labour standards. No country is left unaffected by this process but small countries are particularly vulnerable.

Bulgaria is now facing an extremely difficult situation. The Currency Board is planning to introduce a final measure for bringing the country out of crisis in the near future. The collapse of the Bulgarian economy in 1996 was due mainly to the Government of the Bulgarian Social Party (BSP) during this time. This inadequate economic policy may be illustrated by the following: structural adjustment was not carried out; the efficiency of the state administration was undermined, partly because of the influence of some organized criminal groups in it; privatization was slowed down and carried out ineffectively; there was a colossal outflow of capital out of the country; the bank system was in a state of collapse and this paralysed the entire financial-credit sector, as all investments came to a halt; the disastrous monetary policy resulted in a situation approaching hyper-inflation and enormous external debt, which, at the end of 1996, was more than three and a half times the GDP; the tendency to bring the economy totally under the BSP's Government cut short any business initiative.

At the beginning of 1997 the Government faced a wave of popular discontent. Thanks to the civil society's reaction and on the initiative of the trade unions, the situation was brought under control and a new Parliament was elected and a democratic Government was set up — after democratic elections.

The genuine trade unions in Bulgaria believe that a wide public consensus on the parameters of structural adjustment, legislation and the introduction of measures by the Currency Board will be a guarantee for Bulgaria's way out of crisis. We do not wish to be "the highest instance", but we insist that consultations be held with us on any measures taken in the fields of our members' direct concern — structural adjustment and employment, prices and income, social protection.

The genuine trade unions in Bulgaria are aware that one of the most serious consequences of structural adjustment — its social aspect — will be the dramatic rise in unemployment which will create considerable tension in the labour market. We shall therefore strive for the elaboration of and financial provision for preventive programmes for alternative employment in specially endangered regions, for the drafting of appropriate legislation, for encouragement of small, medium-sized and family businesses, for the implementation of privatization models that create the possibility of self-employment for the workers and for the development of vocational training, etc.

The genuine trade unions hope that a balance between prices and income will be attained. They will support the liberalization of prices of goods and services if, at the same time and in parallel, specialized and purposeful protective measures for the security of people's incomes are taken.

As regards tripartite dialogue, I would like to emphasize that although in 1996 such a dialogue did not exist in practice — during the caretaker Government's time — this has been restored under the Alliance of Democratic Forces' (ADF) Government now in power.

The BSP Government imposed its decisions without taking any account of the social partners. Under the caretaker Government's ruling, an agreement for cooperation and social peace was concluded and all of the problems were solved as a result of dialogue. Now that the new ADF Government is in power, the National Council for Tripartite Cooperation has been set up again.

I would like to mention with pleasure that the caretaker Government quickly ratified a number of Conventions which made up for shortcomings in labour legislation regarding basic labour rights. We expect that this policy will also be continued by the ADF Government.

In conclusion, I would like to thank the ILO for its active assistance in helping the genuine trade unions prepare for operating with the Currency Board. We have always counted on the ILO and its bodies to help us with any complex and numerous problems during this transitional period.

Finally, I would like to underline one more time that at this session, we are in the presence of the necessary conditions which will make it possible to promote the Organization's role in the development of democracy, guarantee the observance of human rights and provide incentives for economic development as a prerequisite for social justice.

Mr. GARAMSZEGI *(Employers' adviser, Hungary)* — After six years it is an honour for me once again to address the International Labour Conference on behalf of the Hungarian employers.

The year 1991 was the first after a period of 40 years of a state economy in which Hungarian employers joined the community of free employers. In the six short years since then, Hungary has become a leading emerging market economy, in a setting of firmly established parliamentary democracy.

Today, with the most ambitious privatization programme in the region largely completed, private business is creating more than 70 per cent of the total GDP. The Budapest Stock Exchange has become not only the most rapidly growing stock market in the region, but also the world's highest performing stock market in 1996. The country has created the basis of future sustainable growth.

In Hungary, tripartism has become the driving principle of labour issues via the National Council of Interest Conciliation, which is the forum of dialogue and decision-making between the Government, employees and employers.

On the part of the employers there have certainly been many developments as a result of rapid changes in the economic and political environment. These changes must be reflected in the structure and competencies of the tripartite system.

One such major issue is to ensure that the representation of free enterprise employers' interests and those of the public sector are suitably differentiated. The Hungarian employers are willing to, and able to, strengthen their representation and develop further the tripartite system of interest conciliation without the need for any external intervention either within the country or on an international scale.

The ILO has played an outstanding role in resolving labour issues internationally. We Hungarian employers are deeply interested in the ILO and in increasing its effectiveness. To fulfil the mission of the ILO, it is our opinion that the support to employees' and employers' sides should be proportional and balanced.

The prestige of Conventions adopted by the General Conference of the ILO should also be strengthened. Conventions can only be effective if they are ratified by the majority of the member countries. Whatever their advantages in theory may be, the General Conference should not strive for Conventions which cannot be put into practice in the majority of the countries due to their deferring levels of development. Such Conventions may undermine the credibility and prestige of the Organization.

We are confident that through such an approach the International Labour Organization will succeed in overcoming the issues which it is currently facing and will be capable of fulfilling its historic role, which — in the context of the globalization of the world economy — is of ever greater importance.

Original French: Mr. SAVARD *(representative of the International Confederation of Executive Staff)* — On behalf of the International Confederation of Executive Staff which I have the honour of representing here, I would like to offer the President our congratulations on her election to lead the International Labour Conference.

The International Confederation of Executive Staff has, as members, trade unions and associations of executive staff in several countries of the world, notably in North America and soon, we hope, it will also be called upon to speak on behalf of executive staff working in South America.

With regard to freedom of association, the rights to organize and to collective bargaining, the situation of executive staff differs from one country to the other. This difference is observed, first and foremost, in regard to the level of ratification by member States of the two basic Conventions, Nos. 87 and 98.

All the countries of the European Community, without exception, have ratified one or the other Convention. On the other hand, among the three countries which have signed the North American Free Trade Agreement, only Canada and Mexico have ratified Convention No. 87, and the contrast is even more striking. In the case of Convention No. 98, neither Canada, Mexico nor the United States have ratified it, nearly 50 years after its adoption by the ILO.

This first difference can undoubtedly be explained by a second. There is a crucial difference as regards the state of national legislation on freedom of association and the right of collective bargaining for executive staff, depending on whether we are looking at the legislation in the European or those North American member States.

In most countries of the European Union, like other workers, executive staff enjoy the rights and protection accorded under the two basic Conventions, namely, Conventions Nos. 87 and 98. Executive staff, however, are not represented in the same way in all European States. This matter is settled either by law or by agreements concluded with the representative trade unions.

In certain countries such as Austria, Luxembourg, the Netherlands, Spain, Sweden and the United Kingdom, executive staff are treated exactly like other employees and do not have any specific representation, as is the case in France, Belgium, Germany, Italy and Denmark.

Our Confederation considers that where it exists, recognition of executive staff as a specific group has certain advantages. It therefore invites member States, where such recognition has not yet been acquired, to conclude agreements with the associations of executive staff on the means of promptly achieving this, in conformity with the ILO Conventions.

In the countries which have signed the North American Free Trade Agreement the position of executive staff is quite different from that of Europe. Firstly, not having ratified Convention No. 98 or having ratified only Convention No. 87, the North American member States have legislation and labour policies generally considered as being in line with the

Conventions. This is true only in the case of non-executive staff since these legislations and policies seek to make a special case out of executive staff. They treat executive staff separately, not so much by giving them a specific representation, but rather, by formally denying them this possibility.

Now, nothing in Conventions Nos. 87 and 98 and in their interpretation by the competent organs of the ILO justifies such an exclusion. It is wrong to claim that executive staff are not workers as interpreted by the ILO Conventions and therefore are not entitled, like any other employees, to recognition and legal protection of freedom of association and the right to collective bargaining.

None of the member States concerned would wish, I am sure, to see itself described as simply paying lip-service to the basic ILO Conventions, among other instances, at the World Summit on Social Development in Copenhagen. It is important therefore that these Conventions should be followed by firm action and, in this respect, the Confederation appeals to the member States concerned to add their voices to those who have already ratified the basic Conventions of the ILO, which are Conventions Nos. 87 and 98.

Even before ratification, and I insist on this point, the Confederation asks these member States to grant their executive staff legal protection in the areas of freedom of association, the rights to organize and to collective bargaining, exactly as they already grant to non-executive staff.

More specifically, as far as the application of standards is concerned, the Confederation shares the view that the supervisory mechanism of the ILO is in dire need of strengthening with respect to the application of the fundamental human rights, particularly to freedom of association and the right to collective bargaining. The Director-General in his splendid Report recalls that the standard-setting action of the ILO is necessarily, if not exclusively, to be carried forward by the member States. In this respect, the Confederation agrees that the Organization should exceed the limitations inherent in the fact that it is dependent on the work of its member States.

Whether we are referring to the reports submitted annually under article 22 or to the implementation of Conventions ratified, or reports of Conventions which have not been ratified, we believe that the submission of reports is still desirable. However, we feel that the ILO should reinforce its methods of studying these reports and subject them to more critical analysis.

Finally, the International Confederation of Executive Staff, unreservedly supports the proposed solemn declaration aimed at reaffirming universal respect for the fundamental rights of all categories of workers, including executive staff, and respecting their specific status. It hopes that all member States will accept this project and agree without hesitation to the establishment of the necessary mechanism for its implementation.

Real social progress, without distinction of any kind, is a basic condition for this. The executive staff we represent fully subscribe to this concept.

Original Norwegian: Mr. OPSETH *(Minister of Local Government and Labour, Norway)* — I consider it a great honour to have the opportunity of addressing the International Labour Conference for the first time. Let me begin by congratulating the President on her election to preside over this important event.

The Report of the Director-General on the standard-setting activities of the ILO provides new ideas on the subject. We find these ideas, which will contribute to a strengthening of the standard-setting role of the ILO, are of great interest and particularly important in these times of the globalization of the world economy and the liberalization of world trade. The Norwegian Government believes that globalization will give all ILO member States an opportunity to improve job creation and working conditions, regardless of their level of economic development. We also believe that special measures are required to help the least developed countries take advantage of the opportunities offered by globalization.

Both the World Summit for Social Development at Copenhagen and the WTO Ministerial Conference in Singapore confirmed the mandate of the ILO as the primary international agency dealing with fundamental labour standards. The development of improved labour standards and better supervisory machinery will be important means enabling the ILO to fulfil this mandate.

Considerable progress has already been made in reforming the ILO's standard-setting system. One of the first visible and tangible results is already before the Conference this year in the form of a proposal to amend the Constitution to authorize the Conference to abrogate Conventions which it considers obsolete. My Government attaches great importance to this and other reforms now on the agenda of the ILO. Reforms are, in our view, of the utmost importance for the continued vitality of this Organization.

A worldwide acceptance and application of the core labour standards should be a principal and prime objective for the ILO and the member States. To achieve this, my Government is going to support the idea of the Director-General to produce a solemn declaration for possible adoption by the Conference in 1998. This declaration should establish that all member States, by virtue of their acceptance of the ILO's Constitution, and the objectives of the ILO, should be bound by a minimum level of respect for fundamental workers' rights, even if those member States have not ratified the relevant Conventions. A draft text for such a declaration should be brought forward as soon as possible, and should be discussed at the November meeting of the Governing Body of the ILO.

The issue of social labelling should also be further examined by the ILO. A system of social labelling would constitute an important source of information for consumers of imported goods. We think this could contribute to a greater awareness of how and by whom a product has been produced. For example, consumers should be able to read from a label that child labour has not been used in the process of manufacturing that product. The question of how feasible and effective such schemes are should, however, be analysed before any concrete proposals are brought forward.

I should also like to avail myself of this opportunity to express my Government's satisfaction with the Director-General's Programme and Budget proposals for 1998-99. Both the contents and the way in which these proposals are presented have been enhanced. We are satisfied with the savings on administrative costs, and we appreciate the fact that the programme now focuses more adequately on priority issues. We certainly hope that this positive trend will continue.

In conclusion, may I once again emphasize the need for a renewal of the ILO's activities when it comes to both drafting and enforcing standards. The more ambitious plan of establishing new mechanisms to strengthen the universal application of core workers' rights should also be developed without any further delay. I express the hope that genuine progress may be achieved on this issue for the benefit of the world of work as a whole.

Original Spanish: Mr. ATANASOF *(representative of the Latin American Union of Municipal Workers)* — The Latin American Union of Municipal Workers is taking part for the second time in the International Labour Conference, which in 1996 recognized it as a non-governmental organization, entitled to take the floor in this important tripartite event for the world of work. The Director-General's Report before this session stresses the need to concentrate its analysis on the alternatives designed to reinforce the standard-setting activities of the ILO in the current era of economic globalization.

We agree with the document submitted to us on the need to achieve a certain balance between economic and social progress. Otherwise economic progress could lead to an increase in inequalities and marginalization. Unemployment, lack of social protection, the tensions and resentment caused by the widening gulf between rich and poor, constitute a serious threat to social peace and a fearful challenge for democracy in the region.

To this end, we think that attention should be concentrated on the following two aspects. Firstly, the eradication of unemployment and, secondly, a less concentrated, less backward, in short a more equitable distribution of wealth. To achieve this we must reject orthodox remedies imposed by recalcitrant neoliberal remedies calling for greater labour flexibility and unlimited trust in the beneficial effects of the free market. We must therefore stress the role of policy which is no other than to change things for the better; the role of the State, which is to carry out a regulatory function and by using these instruments properly make "a market economy with a social conscience" a reality.

We think that it is possible to have a policy which, at the same time as controlling inflation, gives rise to growth with proper employment. Unemployment and poverty are, in the final analysis, the consequence of the State's abandonment of its regulatory functions. The market, without state control, ends up foreshadowing a social structure ruled by social Darwinism with the consequences of fragmentation, inequality and environmental and social deterioration. This I think has been well expressed by the chief candidate for the presidency of my country, Argentina, who summed it up in the following succinct terms: "for the wealthy the market, for the poor the State".

Development should be based on the well-being of the people and not on the efforts of the majority to shape macroeconomic indicators, the fruits of which will only be enjoyed by privileged minorities. Development based on deeper inequality, increasing poverty and the social marginalization of the majority is not sustainable. Unemployment, social marginalization and the fragmentation of labour markets in the region are the result of policies which favour international integration based on a reduction of labour costs and the over-exploitation of human resources.

This strategy, very widespread in the developing countries, in addition to the inequalities which it causes within each society, as I have already mentioned, places the globalization process at a crossroads. We have to regulate the fluxes generated by free trade so that they benefit all, before protectionism becomes the buzz-word.

In this connection, I feel it is important to declare myself in favour of the idea of a social clause as a mechanism to ensure the implementation of basic standards in respect of labour, human and social rights.

It is not a matter of promoting rules which affect the legitimate development strategies of countries on the basis of their comparative advantages. It is a matter of stopping the exploitation of human beings and environmental pollution being defined as such. There are basic rules which should constitute the nucleus of the social clause: freedom of association, collective bargaining, the elimination of child labour and forced labour, equality and non-discrimination. These are basic rules and principles which if breached deserve to be rejected and sanctioned by the international community using effective mechanisms.

To truly create the utopia of a market economy with a social conscience, we believe that a vital first step is to reaffirm the ILO's standard-setting activity and to reinforce the application of its standards, a view which we share with the Director-General.

From this standpoint, as part of the legislature of my country, I have personally presented bills calling for the ratification of the Termination of Employment Convention, 1982 (No. 158) and the Home Work Convention, 1996 (No. 177), both issued by the ILO.

We consider that between the welfare state and a total lack of state involvement, there should be a return to the state as arbitrator, which exercises control over the excesses of uncontrolled capitalism and limits excessive wealth through taxation which is then used to protect health, education and to lower unemployment.

In this connection we consider most auspicious the British Labour Party's recent initiative to establish a tax to be applied to privatized former state enterprises to finance, on a budget of $8,000 million the integration of 250,000 young persons per year into the labour market. Initiatives such as this promote the regulatory function of the state in a market economy and reflect a change of approach.

In the framework of the struggle against unemployment and the transformation of the labour market as a result of the introduction of new forms of production, I must mention the controversial issue of reduced hours of work.

Two clear facts remain which are beyond controversy: firstly that we are living in a world in which the technological revolution is calling for the substitution of human work, and secondly that the population growth indicators, in global terms, are escalating out of the reach of employment creation possibilities.

The question must therefore be asked whether in order to imagine a future where there is full employment, it is reasonable to envisage that people would work less hours.

Nevertheless, in an increasingly globalized world the idea of a general reduction in working hours in only one country would imply a comparative loss of competitiveness. This is why we are on the threshold of a global debate in order once again to address the issue of the capacity of the State to regulate the overwhelming forces which accompany global development, and this must be undertaken from a global perspective.

In short, to avoid the prophecy of "a society of workers without work" coming true, we have to tackle this problem as soon as possible. To do this we have to design and promote international cooperation to ensure forms of worldwide regulation of development, and to work within each country to ensure a rational and balanced use of time and resources.

With regard to the Latin American municipal sector, we confirm and repeat the denunciations made in our first statement to this Organization at the previous session of the Conference. In our region there is insistence to impose a municipal approach which, in keeping with neo-liberal ideas, aims to privatize all the public services, the majority of which are clearly the responsibility of the municipalities.

The logical consequence of this is a considerable increase in the cost of essential community services where attempts are being made to minimize, at a cost to the workers; this interferes with the guarantee of employment stability, reducing salaries, unilaterally altering working conditions, increasing unemployment and aggravating the social crisis, the magnitude of which is evidenced by the outbreaks of the most destitute, not in the form of organized violence, but instead, the product of desperation and indignation, in a form that could be likened to an anthill being uncovered.

It is no mere coincidence that one of the most important American newspapers, the *New York Times*, is voicing concern and sounding the alarm about the serious risks associated with "wild capitalism" in Latin America.

To conclude, we reiterate the request we made here last year that the governments of the Latin American countries be called on to make provision for the necessary resources to ensure respect for the public sector; the effective implementation of ILO standards, especially those relating to security in employment, freedom and respect for trade union activities and protection to those who exercise it; and the protection of workers.

Mr. HOFF *(Employers' delegate, Norway)* — This speaker has one strong motivation — to help to make the ILO perform better, to help the ILO to become a more result-oriented organization and to help to improve the ILO's position in the eyes of its Members and the public. In other words, to make the ILO more attractive.

The ILO stands on two legs, mainly technical cooperation and standard setting. The technical cooperation leg is probably of high quality. Even so, we shall try to improve it — the Governing Body, the constituents and the Office — in constructive cooperation.

As for the standard-setting leg, however, we are faced with considerable problems and challenges. Now let us be frank. Several ILO standards are out of date. Scores of ILO Conventions have not been ratified and — what is worse — they are ignored by those countries which they were meant to help. Working methods in the Governing Body and the Conference are such that much more often than not we have conclusions of poor value for real life.

I venture to point to a few examples. First, the selection of items for the agenda of the Conference. We must control our appetite for new issues. A proposal for a new instrument should satisfy the need for usefulness and have wide support. If not, we will be guilty of killing the ILO from within.

Second, the reaching of conclusions: it has become the habit of the ILO over many long years to revert to voting. We vote in the plenary and in the committees. Sometimes voting can be defended, of course, but far too often in this Organization voting becomes a primitive method of forcing one's will on a big minority or on one of the other groups. In dealing with labour issues, this is nothing but shooting ourselves in the foot. What is more, we all know it. We know it from experience in our own countries. We know that negotiations that end in agreement are the only ones that guarantee respect and a loyal follow-up in everyday working life. The Workers and the Employers know this, and Governments, mostly, as well.

So the key word is *consensus*. Let us enter a new phase of ILO standard setting in the spirit and practice of consensus and let us avoid voting each other down.

Third, decisions on Conventions: again, let us be honest to each other. An impressive number of governments vote for Conventions in the Conference plenary — Conventions they never intend to ratify, or even try to ratify. Now and then, one suspects governments of rallying behind the workers when in Geneva and supporting the employers when back to real life at home. This bad habit must be stopped. We had better make another effort to establish a link between voting here and ratification at home.

I appeal to our colleagues from Africa, Asia and Latin America to give strong signals on what sort of Conventions they need, and how the Conventions should be tailored to suit them, and to enable them to ratify them.

I hope that the ILO gets itself out of playing useless games, in particular the one where European constituents turn Convention production into vicious circles of self-satisfaction. This is of little or no use to those workers of the world, who really need our full support.

Fourth, on the revision of standards, one main danger for ILO standard setting is that these Conventions are partly out of date. They become irrelevant for modern politics and modern working life. The ILO becomes marginalized. Therefore, let us proceed at full speed to the revision of Conventions, particularly the important ones and, above all, the core Conventions, which will be an embarrassment if they are not fully in line with contemporary legal thinking.

I will give a fresh example. Norway, my country, was condemned half a dozen times in the last few years by the ILO, with reference to the Convention on freedom of association. The Norwegian Supreme Court ruled, on 10 April 1997, that it is the principles ratified and the legal practice in the country that matter, and not the static interpretations made so often by a committee of the ILO. We will see more of this if the ILO does not move into our own time.

Let me now finish with a few words to our colleagues on the Workers' benches. You can trust us in our effort to bring standards up to date without risking a loss of your achieved basic rights.

Ms. PERLIN *(Government delegate, Canada, on behalf of the IMEC group)* — May I begin by congratulating you on your election, Madam President, and for the effective way that you are conducting the proceedings of this Conference.

This statement sets out common views of IMEC, and a number of Central and Eastern European and other governments, reiterating elements contained in ministerial statements. It is based on four key considerations: first, a commitment to the provisions of the ILO Constitution and the Declaration of Philadelphia, and the basic principles of tripartism and voluntarism; secondly, a recognition that basic workers' rights transcend local conditions and are inherent in the constitutional obligations of ILO membership; thirdly, a belief that globalization provides an opportunity for improved living standards, job creation, and working conditions, whatever the economic level of a country; fourthly, the conviction that the ILO must provide an effective multilateral framework for attaining social progress, while respecting the right of each nation to define the content and priorities of that progress, according to its level of development.

The Director-General is to be congratulated on his Report. It provides new impetus and scope for the ILO's work in adapting its normative activities to the demands of a globalized economy. It is welcome for the following reasons:

(a) The World Summit for Social Development and the WTO Ministerial Meeting in Singapore reaffirmed the responsibility of the ILO to set and deal with core labour standards. The ILO must now demonstrate that it can respond credibly to international expectations.

(b) Global standard-setting activities must not be diminished but qualitatively improved, and the components of the system — that is production, application and evaluation — require better balance.

(c) There is a need for a comprehensive examination of normative activities within the ILO constitutional base and means of action. Streamlining and adaptation of existing mechanisms, rather than creation of new machinery, is the preferred approach.

(d) The proposals rightly complement work under way in the Governing Body on standards revision, core labour standards, supervisory procedures, empirical research and analysis of the social dimensions of trade liberalization, and relevant reforms to the Governing Body and the Conference.

The Director-General's suggestions deserve considered attention, but should be taken forward in different time-frames.

For immediate action, in the November Governing Body, the Director-General should present three documents: first, a work programme incorporating proposals in the Report, with ongoing work.

Second, a draft text of a solemn declaration, which would not imply constitutional amendment, for possible adoption at the 1998 Session of the Conference. It would be a definitive statement on principles of core labour standards, which were endorsed by world leaders at the Copenhagen Summit and agreed in the Governing Body. Simultaneously, with this draft text there should be a procedure for monitoring and promoting application of the declaration. The procedure should aim at constructive ways of assisting compliance through mobilizing ILO means of action, including technical cooperation. The Governing Body will also wish to examine other options in the Director-General's Report, to strengthen the universal application of workers' rights.

Third and finally, proposals for easily implementable suggestions should be prepared for November, such as revisions to questionnaires, a code of good drafting practices, and better selection of topics for Conference discussions.

In the short term, three proposals should be further developed: first, evaluation procedures to assess standards against their intended objectives and against their impact on other ILO objectives, such as employment. Evaluations should identify impediments to implementation and to ratification, a key factor for universality of application. Lessons learned should be applied to standards revision and to future standard setting.

Second, enhanced use and monitoring of autonomous recommendations, as a potential instrument for guiding national policy within an international framework. Recommendations can be more responsive to local conditions.

Third, a proposal, with resource implications, for work on consolidation of standards by thematic groups.

Two proposals require further reflection and analysis, first, an ILO *Social Progress Report*, to monitor advances in social conditions at the national level within a globalized economy, as a possible future discussion item for the Conference.

Secondly, voluntary social labelling and codes of conduct are gaining interest in many countries. Questions remain, however, on the feasibility and effectiveness of such schemes. It is premature, therefore, to develop specific proposals prior to further analysis and dialogue in Governing Body fora.

These proposals complement current work in the Governing Body on improved promotion, monitoring and implementation of core labour Conventions, based on an analysis of shortcomings in the existing machinery.

Mr. MOLOPO *(Minister of Labour and Employment, Lesotho)* — Madam President, allow me to join other speakers before me in congratulating you and your Office for your unanimous election to guide the deliberations of this 85th Session of the International Labour Conference.

Allow me also to congratulate the Director-General for his choice of the topic for the general discussion which, I believe, has come at the right time. This is due to the fact that, as has been pointed out, the world's economic, political and social environment has been transformed tremendously, bringing with it new challenges. Interesting challenges have been presented by the Director-General in his Report on the issue of standard setting, globalization and the role of the ILO.

It is our opinion that the liberalization of trade and economic growth ought to have a social dimension. We believe, as pointed out in the Report, that globalization and the realization of the ILO objectives are inherently interdependent. We therefore endorse the notion that standard setting ought to remain within the domain of the ILO (rather than the WTO) as was agreed in the Singapore Declaration.

It is indeed imperative that fundamental social values be taken into account for globalization to be sustainable in any way. These values form the basis of the

ILO Constitution and the Declaration of Philadelphia. They are also significantly reflected in the core Conventions of the ILO. This, to me, emphasizes the fundamental role of the ILO's standard-setting machinery. For that reason we fully support the move towards strengthening the supervisory machinery of the ILO as a means of maintaining the balance between trade liberalization and the social dimension.

We applaud the campaign for ratification of the core Conventions which, as I pointed out earlier, reflect the fundamental values necessary for sustainable economic growth and worldwide liberalization of trade. Lesotho has so far ratified three of the seven core Conventions and those are Conventions Nos. 29, 87 and 98. I am pleased to inform you that the process of consultation with the social partners on the issue of ratification of other core Conventions has begun in Lesotho. We are currently working on this important issue together with the Southern Africa Multidisciplinary Team, and envisage ratification of additional core Conventions by the end of this year.

The point cannot be over-emphasized that the social dimension to globalization and economic growth as a whole cannot be realized without the existence of constant tripartite consultation at the national level. Although we in Lesotho have not yet ratified Convention No. 144, our Labour Code reflects the principles set out therein and have established tripartite consultative bodies which meet periodically. Convention No. 144 has also been put on the table by the tripartite forum for consideration, for ratification by the Government.

I wish to express my Government's gratitude and appreciation to the Director-General and his Office for the technical cooperation that has been extended to Lesotho. I wish to express my Government's and my own personal gratitude to Ms. Chinery-Hesse, the Deputy Director-General responsible for technical cooperation, for having visited my country in November last year to personally assess the performance of the ILO-assisted projects. During that visit a number of other areas for assistance were identified. These included the strengthening of the labour movement in Lesotho, as well as capacity building within the Ministry of Employment and Labour.

I wish to inform you that considerable progress has been achieved on the programmes that have been initiated with the assistance of the ILO. The project on the strengthening of the Factories Inspectorate has been highly successful and has inspired my Government's continued desire to host a subregional project for occupational safety and health.

The programme on employment policy formulation and labour market analysis is also progressing commendably and is essential for Lesotho, especially in the light of the alarming rate of unemployment in the country. Allow me to express our deepest gratitude to the ILO for its assistance in this regard.

We are further grateful for the assistance received in the area of social security. Most of the groundwork has been laid down for the implementation of a national social security scheme by the ILO, and arrangements for the continuation of assistance will be made in due course.

Allow me to also commend the ILO for its ongoing involvement not only at the national but also at the subregional and regional levels. Subregionally, the ILO has shown keen interest in the SADC programmes involving employment and labour. Regionally, I wish to make particular reference to the Fifth Meeting of African Employment Planners which was held in Pretoria this year. The meeting, which was held at the initiative of the ILO, was very successful and came up with important conclusions aimed at alleviating the problem of unemployment in Africa.

I also wish to commend the ILO for its activities in the field of migration, especially with regard to initiatives that have been developed and recommended for the protection of migrant workers who are amongst the most vulnerable of workers. This is an area of great concern to us since we export a lot of labour to a neighbouring country.

Last but not least, I wish to express our gratitude to the ILO for assistance rendered to us, particularly with regard to capacity- building within the Ministry as a whole. We believe that this will greatly enhance our ability to comply with our obligations as a Member of the ILO, and enhance our developmental efforts in the country.

I wish to conclude by stating my Government's commitment to uphold the principles and aspirations of the ILO.

Original French: Mr. GLELE *(Employers' delegate, Benin)* — I would like to join all the previous speakers in saying, on behalf of the employers of Benin, how happy we are to have Mrs. Keltošová preside over this session of the Conference and also to convey to her our warm and sincere congratulations. We would also like to congratulate the Vice-Presidents, one of whom is a distinguished colleague of ours, whose many and varied qualities we have always appreciated and which she has generously put at the service of the Employers' group. I am referring to Ms. Sasso Mazzufferi. We are proud to see her elected to this position.

No one can remain indifferent to the great political and economic changes which are occurring at the end of the twentieth century, least of all, this great Organization of ours which is the very embodiment of mankind's social conscience.

Throughout the world we have witnessed a revival of interest in democracy in the countries of black Africa and in Eastern Europe. These political changes are occurring gently in some countries and with considerable violence in others. The globalization of the economy implies a need for constant adaptation and adjustment. We do not have a choice. We have no option but to fall in with this implacable course of events on this planet of ours, otherwise we will be left behind.

In social terms, these changes all have their consequences. Employment issues are becoming ever more acute and have become the focus of concern for all human communities throughout the world. All this implies the need to adapt the standard-setting activities which constitute the legal basis of all our activities in this Organization. Indeed, it constitutes the very vocation of this great Organization, the ILO, within the family of the United Nations.

There is therefore every reason to congratulate the Director-General on his clear-sightedness and the wise choice he made in selecting the theme for this year's Report placed before the 85th Session of the International Labour Conference for our discussion and study.

A few years ago, on this very rostrum, we suggested that an inquiry should be conducted among member

States to identify the reasons for a certain reluctance to ratify some Conventions, including the most fundamental ones, such as the Conventions on freedom of association, the right to organize, prohibition of discrimination, forced labour and others, the idea being to get the ILO to review its standard-setting policy. Today, we are gratified to note that the endeavours undertaken by the Director-General and his staff have been successful, not only as regards the ratification of a large number of Conventions but that these endeavours have also led to a plan to evaluate existing instruments and to engage in some deep thinking on future needs. From what I hear, the general consensus on this matter appears to be in favour of a certain measure of flexibility. In this process of reflection, account must also be taken of the specific circumstances prevailing in each individual member State of the ILO and the trend should be towards the drafting of Recommendations and some greater selectivity in producing Conventions.

On the subject of the social clause, we are also most gratified by the common position adopted by our respective countries at the WTO Ministerial Conference in Singapore, which really put things into perspective.

Social issues fall within the bailiwick of the ILO and the World Summit for Social Development in Copenhagen confirmed and strengthened the ILO's remit when it comes to these issues.

As for the general conditions to foster the setting up of small and medium-sized enterprises and the promotion of employment, here too we must take into account the great diversity which prevails in our different countries in order to avoid the pitfalls of clichés and standard solutions.

In countries which only just embarked upon the path towards democracy, whose economies are such that the small and medium-sized enterprises still rely on a great deal of involvement on the part of their governments to help promote small and medium-sized enterprises, much work needs to be done to improve the institutional, legislative and regulatory context which will allow small and medium-sized enterprises to flourish in these countries and thereby to create jobs. This can only be done, at least as far as the developing countries are concerned, if there is a strong political commitment on the part of governments to this end.

Once again we would like to thank the Director-General for having given us an opportunity to address these burning issues which are of such great interest to the people in our countries.

(Ms. Keltošová takes the Chair.)

RECORD VOTE ON THE RESOLUTION CONCERNING THE ARREARS OF CONTRIBUTIONS OF CAPE VERDE

The PRESIDENT — We shall now take a record vote on the granting of permission to vote to Cape Verde — which as you know, failed on Wednesday, 11 June through lack of a quorum — to the Dominican Republic and to Djibouti. In accordance with article 13 of paragraph 4 of the ILO Constitution, the Conference may, by a two-thirds majority of the votes cast by the delegates present, permit a member State in arrears to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member. In accordance with article 19, paragraph 5, of the Standing Orders of the Conference, a record vote is required.

We shall begin with the record vote on the resolution concerning the arrears of contributions of Cape Verde.

(A record vote is taken.)

[The detailed results of the vote will be found in a separate section of this volume.]

The result of the vote is as follows: 380 votes in favour, 2 against, with 1 abstention. Since the quorum of 251 and the two-thirds majority of 255 were attained, the resolution is adopted.

(The resolution is adopted.)

RECORD VOTE ON THE RESOLUTION CONCERNING THE ARREARS OF CONTRIBUTIONS OF THE DOMINICAN REPUBLIC

The PRESIDENT — We will now proceed to the record vote on the resolution concerning the arrears of contributions of the Dominican Republic.

(A record vote is taken.)

[The detailed results of the vote will be found in a separate section of this volume.]

The result of the vote is as follows: 385 votes in favour, 1 against, with 5 abstentions. Since the quorum of 252 and the two-thirds majority of 258 were attained, the resolution is adopted.

(The resolution is adopted.)

RECORD VOTE ON THE RESOLUTION CONCERNING THE ARREARS OF CONTRIBUTIONS OF DJIBOUTI

The PRESIDENT — We shall now conduct a record vote on the resolution concerning the arrears of contributions of Djibouti.

(A record vote is taken.)

[Due to a technical fault, the detailed results of the vote are unavailable.]

The result of the vote is as follows: 390 votes in favour, 1 against, with 2 abstentions. Since the quorum of 252 and the two-thirds majority of 261 were attained, the resolution is adopted.

(The resolution is adopted.)

FIRST REPORT OF THE CONSTITUTIONAL AMENDMENT AND STANDING ORDERS COMMITTEE: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT — Now we will proceed with the first report of the Constitutional Amendment and Standing Orders Committee, which you will find in *Provisional Record* No. 10.

Mr. SHINGUADJA *(Government delegate, Namibia; Chairperson and Reporter of the Constitutional Amendment and Standing Orders Committee)* —The Committee's report before you today proposes for adoption by the Conference an amendment to the Constitution of the International Labour Organization designed to introduce an important new tool to facilitate the task of the Organization.

In bringing up to date the body of international labour standards the number of Conventions adopted by the Conference since 1919 is now approaching 200 and the number of Recommendations is similar. Inevitably, as with national laws, some of these instruments have become obsolete because conditions have changed since they were adopted or they have been overtaken by events which render them irrelevant.

The purpose of the proposed amendment is to empower the Conference to abrogate a Convention if it appears that the Convention has lost its purpose or no longer makes a useful contribution to the objectives of the Organization. Its presentation to you today has been preceded by lengthy and careful preparation by the Governing Body over several sessions. For a full understanding of what is involved, I recommend that you read *Provisional Record* No. 1 and the first report of our Committee, *Provisional Record* No. 10.

I do not propose to enter into the details of the subject but will leave this to the Employer Vice-Chairperson of the Committee who took an active part in all the preparatory stages of the amendment at the Governing Body and has a complete grasp of this important and technically complex subject.

The amendment to the Constitution is accompanied by draft amendments to the Standing Orders of the Conference, which lay down the procedure to be followed for the abrogation of a Convention. The Conference is invited today to agree to the preliminary adoption of the amendment to the Constitution, which will be followed by a record vote, and to adopt provisionally the amendments to the Conference Standing Orders, it being understood that their adoption will be effective only following the final adoption of the constitutional amendment.

I would like to thank the two Vice-Chairpersons of the Committee, Mr. Funes de Rioja for the Employers and Mr. Ahmed for the Workers, for their invaluable support in conducting the work of the Committee to a successful conclusion. In the same vein I would like also to thank the secretariat and the Legal Adviser for their valuable technical input during the Committee's debate.

Original Spanish: **Mr. FUNES DE RIOJA** *(Employers' adviser, Argentina; Employer Vice-Chairperson of the Constitutional Amendment and Standing Orders Committee)* — It is an honour for me to submit the proposed amendment to the Constitution and the consequential amendments to the Standing Orders, in whose drafting I have been directly involved as spokesperson for the Employers' group in the Governing Body's Working Party on Policy regarding the Revision of Standards, in the Governing Body's Committee on Legal Issues and International Labour Standards and in this Conference Committee itself.

These amendments are one of the most concrete, most symbolical fruits of the process of reform undertaken since the 75th anniversary of the ILO to give a new direction to our Organization's standard setting.

As the Chairperson, Mr. Shinguadja, has said, the purpose of the proposed constitutional amendment is to enable the Conference to abrogate obsolete Conventions.

Any amendment to the Constitution is, of course, a solemn moment, but this does not mean that it is impossible. It is just one of the means at the Organization's disposal to bring its standard setting up to date.

Regarding the background of the amendment, the idea of a reform of this kind is not new but goes back to the very beginnings of the Organization. The fact that the Constitution does not cover the entry into force and various other details of these Conventions, which are halfway between a universal labour code and international contract agreement, means that so far it has been impossible for the body which has enacted the Conventions also to abrogate them, inasmuch as it was not empowered to do so by the Constitution.

The palliatives used hitherto, such as the procedure for revision dating from 1929 involving the inclusion of standard final paragraphs or the suspension of the requirement to report on their application, are not enough, legally speaking, to terminate the existence of these obsolete instruments.

From the doctrinal point of view the whole issue was thoroughly examined at the end of the 1920s, both by the Governing Body and in the Conference Committee, when it was considered that the simplest, most pragmatic and definitive solution was that embodied in the instruments before us today.

The best way of handling this exercise has been weighed very carefully in the Governing Body and Conference Committee, and this with a twofold objective in mind: that a decision to abrogate a Convention should follow the same procedure as for its adoption (discussion by the Governing Body, preparation of a questionnaire by the Office, submission of a report for discussion by the Conference, etc.); and that the decision should be accepted from the time of its discussion by the Governing Body right up to its adoption by the Conference, so that it cannot be taken without the support of each of the groups. These guarantees are embodied in the proposed amendments to the Standing Orders of the Conference and the Governing Body resulting from the constitutional amendment.

The only point I would like to make about these amendments to the Standing Orders is that once they are adopted they should be immediately applicable so that we can withdraw Conventions which are not in force or Recommendations considered obsolete.

Of course, their application to Conventions that are in force will need to await the entry in force of the proposed constitutional amendment.

Finally, the Governing Body's unanimous endorsement of the proposed amendment and the procedural guarantees attached to its implementation suggest that ratification of the amendment should not pose any problem.

I would like to make the point that the amendment is very much in the interest both of the member States and of the Organization, in so far as it will lighten the administrative burden of supervising the application of those Conventions that the Organization considers obsolete and enable them to concentrate their efforts on instruments that can help further social progress.

To sum up, I shall use the expression employed by the Government delegate of Switzerland, who said that the amendments to the Constitution and Standing Orders are a valuable tool for cutting off the dead branches of the Organization's accumulated standards, to the extent that we all agree that they are dead branches.

When the idea was first mooted in the 1920s, the ILO had barely 30 Conventions. Now there are 200, and as many Recommendations. That is why the Governing Body felt that the moment had come to give the Organization the means of restoring to our standards the homogenous character that its founders intended.

As always in the ILO, our dialogue was based on the search for consensus, which means compromises on all sides, so that we can apply by consensus an instrument that had been approved by consensus.

Finally, it bears witness to the leadership and representatives of those who worked on this decision, inasmuch as the Conference confirms the agreement reached in the Governing Body by an expression of the political will of its constituents.

I would like to thank the Chairperson and Reporter, Mr. Shinguadja, the Vice-Chairperson and Worker spokesman, Mr. Ahmed, and the Legal Adviser, Mr. Maupain, for all the work they have done. I trust that you will be able to vote in favour of the proposed amendment.

The PRESIDENT — The report is now open for discussion. If nobody wishes to take the floor we shall move on to the adoption of the report, i.e. the summary of the Committee's discussions, paragraphs 1 to 25, and the Committee's recommendation in paragraph 26 concerning the proposed amendment to article 19 of the Constitution, to enable the Conference to abrogate obsolete Conventions, and the consequential or related amendments of the Standing Orders, articles 11 and 45.

May I take it that the Conference adopts the report?

(The report is adopted.)

PRELIMINARY VOTE ON THE PROPOSED AMENDMENT TO ARTICLE 19 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION

The PRESIDENT — We shall now conduct the preliminary vote on the proposed amendment to article 19 of the Constitution of the International Labour Organization.

The CLERK OF THE CONFERENCE — Since this vote "by show of hands" is being cast electronically, according to article 19, paragraph 16 of the Standing Orders "the individual votes cast by the delegates shall be accessible during the sitting at which the vote is taken, but only the final result of the vote shall be announced and recorded". This means that, contrary to the record votes taken earlier and to be taken later on the Programme and Budget, the details of this preliminary vote on the constitutional amendment will not be published.

(A vote is taken by show of hands.)

The PRESIDENT — The result of the vote is as follows: 389 votes in favour, 4 against, with 3 abstentions. Since the quorum of 257 and the two-thirds majority of 263 were attained, the proposed amendment is adopted.

(The amendment is adopted.)

PRELIMINARY ADOPTION OF THE AMENDMENT TO ARTICLE 11 AND OF THE NEW ARTICLE 45BIS OF THE STANDING ORDERS OF THE CONFERENCE

The PRESIDENT — The Conference is now invited to adopt the amendment to article 11 and the new article 45bis of the Standing Orders, it being understood that the approval today is subject to a record vote on the amendment to the Constitution. With this proviso, may I take it that these amendments are adopted?

(The amendment to article 11 and the new article 45bis of the Standing Orders are adopted.)

The amendment to article 19 of the Constitution is referred to the Conference Drafting Committee which will meet immediately after the vote on the Programme and Budget. For this purpose I will be joined by three members of the Constitutional Amendment and Standing Orders Committee, Mr. Cartier, Government member, Mr. Funes de Rioja, Employer member, and Mr. Gray, Worker member. The Conference Drafting Committee will also undertake a final review of the amendments to the Standing Orders which have just been provisionally adopted by the Conference.

RECORD VOTE ON THE RESOLUTION CONCERNING THE ADOPTION OF THE PROGRAMME AND BUDGET FOR 1998-99 AND THE ALLOCATION OF THE BUDGET OF INCOME AMONG MEMBER STATES

The PRESIDENT — As announced at yesterday morning's sitting, when we examined the Second report of the Finance Committee of Government representatives, we shall now take a record vote on the resolution concerning the adoption of the Programme and Budget for 1998-99 and the allocation of the budget of income among member States, which you will find in *Provisional Record* No. 14.

(A record vote is taken.)

[The detailed results of the vote will be found in a separate section of this volume.]

I am pleased to announce that the result of the vote is as follows: 379 in favour, 0 against, with 2 abstentions. Since the quorum of 257 and the two-thirds majority 253 were attained, the resolution is adopted.

(The resolution is adopted.)

I have received a request from the Government delegation of the United States to give an explanation of the vote. I give the floor to Ms. Anderson, Government adviser, United States.

Ms. ANDERSON *(Government adviser, United States)* — It is an unusual occurrence when a member

State asks for the floor to explain an affirmative vote on the ILO budget. After all the budget is, necessarily, the culmination of a long process that involves much discussion and debate. But a complete explanation is important if our fellow Members are to understand the context in which the major contributor has made, and will continue to make, decisions about budget matters in international organizations.

The United States is committed to remaining a strong and active member of the multilateral system, including the International Labour Organization. We recognize our treaty obligations to meet our assessments and arrears. But these obligations must be sustainable over the long run if the United Nations system is to remain healthy. Some Members have cited increased demand for services as justification for increasing resource levels. It is true that there is much to be done and much the ILO can do in order to promote social justice and help ensure sustainable development. But these activities cannot command unlimited resources. Indeed, resources available to national governments are declining, and by logical extension resources for international organizations are also declining.

During these ILO budget negotiations, the United States argued for a budget reduction of 5 to 9 per cent because of our firm belief that such a reduction could easily have been achieved without damage to the core programmes and activities of the Organization. We offered many ideas about where cuts could have been made and I have no doubt that other delegates, if they searched their hearts, could find equally compelling examples. The final result of our negotiations, a reduction of just 3.75 per cent in constant dollar terms, was a disappointment to us. We are very concerned that our failure to come fully to grips with budget realities during this cycle will come back to haunt us in the next.

Our decision on whether to support this budget was a close call for us. In the end, our decision was swayed by a recognition that the ILO has made some (albeit modest) progress towards budget discipline in the last two years. We see this reduction as a first step towards achieving a sustainable budget level for the ILO. It is not yet enough but we are at least moving in the right direction. We also want to encourage other organizations in the United Nations system to match and exceed the progress achieved here.

Secondly, we based our decision on the understanding in this Organization that reform is a continuous process. We are confident that within the tripartite structure we can continue to work on reforms that increase the effectiveness of programmes, the efficiency of administration and, as an added bonus, will cut costs.

As a mark of his commitment to the multilateral system, President Clinton has requested essentially full funding during the coming fiscal year for the United States assessed contributions to international organizations. He has also proposed an ambitious plan for payment of United States arrears to the United Nations and the other organizations of which we are a Member. If this effort is to succeed, and we are optimistic that it will, President Clinton must be in a position to demonstrate to the United States Congress that the United Nations system has taken concrete and meaningful measures to reform itself to bring budgets down to sustainable levels.

I believe it is important for Members to understand that reform of the ILO is vital, not for the sake of pleasing those within the Organization who are advocating it but for the long-term health of this Organization. If we do not move forward we will surely move back. We do not have the option of standing still.

Therefore, in casting the United States Government's vote in favour of this budget, we are casting a vote of confidence in the continued ability of the ILO to adapt to changing economic conditions and to remain at the centre of international discourse on improving the lives of working women and men.

The PRESIDENT — It only remains for me to thank the Chairperson and Vice-Chairpersons and members of the Finance Committee for their fine work.

REPORTS OF THE CHAIRPERSON OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION *(cont.)*

The PRESIDENT — We shall now resume our general discussion.

Original Spanish: Mr. DE ARBELOA *(Employers' delegate, Venezuela)* — May I congratulate the presiding Officers on their election and especially my compatriot, fellow countryman, Federico Ramírez Léon, President of the Venezuela Labour Federation, whose election has been a well-deserved recognition of the Venezuelan workers' democratic traditions and their attachment to tripartism.

The short time left obliges me to be very brief about a very few points which we believe to be vital.

In his Report we were very happy to see that the Director-General recognizes the importance of revising the whole process of ILO standard setting. In this way, we agree with those who have maintained over many years in this forum that it was inappropriate to promote new instruments, and that it would be better in place of them to revise very carefully those standards already in existence, giving the Recommendations a more transcendent nature in accordance with conditions and realities of each country.

We have in the past taken the line, and we firmly repeat it now, that the proliferation of ILO instruments has unfortunately in many cases led to the pouring out of new legislation and promotion of these standards when they in fact include features already rejected or discarded by tripartite committees of the ILO. As a result the experience has been totally negative and counter-productive. This way of operating, which violates the sense and the spirit of the tripartite process, far from stimulating the creation and promotion of employment in countries like mine, produces totally contrary results when rigidities and obstacles are reinforced and convert themselves into a fertile field for the growth of unemployment, the informal economy and, thereby, the marginalization and delinquence of people. This is unacceptable.

Thus we agree fully with the Director-General as to how desirable it is to ensure that Conventions which correspond to fundamental rights and which are the essence of tripartism are universally ratified and applied and that the ILO concentrates on ensuring that this is so. Here we share our Government's and our workers' sector's concern and disagreement with any proposal for a "social label" which would be yet another barrier to the freedom of international trade.

It is satisfying for my delegation to be able to point out on this occasion that, thanks to the stimulus of the mechanisms of social dialogue and of the ILO multidisciplinary technical teams, and the efforts of our worker and employer sectors, we have succeeded in my country in making historical advances and progress towards revising and updating our labour legislation, which at present is an obstacle to further investment, job creation and better salaries, while also impairing safety and health. This has led us to tripartite agreements signed by the social partners for the revision of social benefit schemes and updating the whole system of social security. We are confident that this exemplary message, which is being institutionalized by Venezuela, will act as a catalyst to obtain the investments we need to contribute to the development of our country and the wider achievements of our Government's macroeconomic plan, which is known as "the Venezuela agenda", and are happy to salute its objectives.

In accordance with this, we hope that our Government will promote, through true tripartism, yet further indispensable changes and amendments to improve and update labour legislation in Venezuela, following the recommendations of the Governing Body of the ILO, with regard to the demand presented by the International Organization of Employers and Fedecámaras in 1991. We are happy to confirm that our new Minister of Labour, Dr. Maria Bernardoni de Govea, has already taken a few steps in that direction and we hope that she will bring new life to and implement the achievements we had hoped to obtain through this, in terms of investment, creating employment, creating new firms, improving salaries, reduction of informal labour, calming of social tensions, and so on.

Thus we cannot close without referring to the absolute necessity for the Governing Body to deal unequivocally and very precisely with our member States and help them to observe the obligations which so many of them are violating in the composition of the tripartite delegations which must come to these Conferences. If they continue to violate obligations in this way, using economic limitations as an excuse, we are putting tripartism in danger, because delegations, especially those from countries far away from Geneva, are unable to bring technical advisers, who do very important work. It is incompatible to proclaim tripartism at the same time as not fulfilling their obligations, and we hope that in effect concrete and immediate steps will be taken. We hope that the reform proposed by the Standing Orders Committee will solve this once and for all.

Mr. JENNINGS *(representative of the International Federation of Commercial, Clerical, Professional and Technical Employees)* — I address this Conference on behalf of FIET, the global trade union organization for staff in commerce, finance, industry, services, hi-tech and professionals. Over half of our 11 million members are women and we are delighted that a woman has been elected President of the Conference this year. I bring five messages.

First, that FIET supports the Director-General's Report. The backlash against globalization will be stronger unless the application of core standards and the supervisory mechanism to enforce them are strengthened. There are too many rogue governments and rogue businesses in today's global economy. As the Dow Jones index hits new highs the disparity in wealth has never been so wide in the United States of America. This is a global trend. The Director-General is justified in proposing to examine how wealth is being distributed. Perhaps then we will see the extent of the irrational exuberance in stock markets. The WTO Conference in Singapore voted to respect core labour standards and to further develop relations with the ILO. The two kilometres that separate the two offices in Geneva sometimes feels like the longest two kilometres in the world. FIET would like to see a much more productive working relationship between the ILO and the WTO.

Secondly, we welcome the initiative on social labelling. FIET represents tens of millions of retail staff and we know that consumers are asking more questions about the conditions under which goods are produced. Social labelling can apply to nations, to products and to individual enterprises and FIET is ready to work with the ILO on this initiative.

Thirdly, we support the work of the ILO on child labour. The IPEC programme has now recognized the need to work more closely with trade unions, and in FIET we want to get joint union and employer projects off the ground in all continents to end child labour in the supply chain.

Last year, with the participation of the Deputy Director-General of the ILO, an agreement was negotiated on child labour with FIFA. During next year's World Cup finals in France we will want to examine compliance with this agreement as we would like to seize the occasion to examine progress on the IPEC project in Sialkot, where many of the soccer balls are produced. In 1999 we have the Rugby World Cup, and in the year 2000 the Sydney Olympics. The sporting community should support our campaign. Michael "Air" Jordan is a sporting hero — we would now like to see "fair Jordan", the man who refuses to fly on "baskets" made by sweatshop labour.

The Director-General has seen the need to take the message to schools and to children themselves, and FIET, with the support of IPEC, was delighted to sponsor a performing arts weekend at the La Chat school here in Geneva with 16 European schools on the theme of child labour. This initiative is being followed up with materials and education curricula for wider dissemination in the global community.

My fourth message is addressed to today's global businesses. The tripartite declaration on multinationals is now entering its third decade. FIET would be delighted to give a positive label to those who practice and do not just pay lip-service to the declaration. Today, FIET has either signed or is in negotiation with almost 200 global companies to introduce works council agreements. We want each of these companies to be labelled good corporate citizens by complying with the tripartite declaration.

However, too often global businesses show an astonishing lack of sensitivity and judgement in their industrial relations. A strike at the Hong Kong and Shanghai Bank in Jakarta is more than one year old. The company is victimizing the strikers and shows no willingness to begin a dialogue to settle the matter. The Ministry of Manpower looks the other way whilst the bank, that has lent money to the Minister's business, contravenes basic labour standards. We can only stamp their label with a reject sign. In Harare, Zimbabwe, the Standard Chartered Bank is now conducting a witch-hunt against its staff who undertook strike action. Their label should also be stamped "reject". We also reject the new policy of the Government of Nigeria which has made contact between unions and their internationals illegal, and that of Pakistan where last week we learned that union activities are banned in banks during office time. Let us see how we label labour relations practices in Hong Kong on 1 July 1997.

My final comment, is an appeal to the ILO to give more attention to new areas of economic activity. Your Salaried Employees' and Professional Workers Branch must be strengthened. The ILO must do more in the labour markets of the 21st century. The symposium on multi-media this year was a step in the right direction. This is why the discussion on contract labour this year is so important — it shows how the ILO through dialogue can address new working relationships in today's labour market. In this sense we also look forward to the adoption of a Convention on temporary employment agencies.

Madam President, we support the adoption of the report.

(The Conference adjourned at 1 p.m.)

Eighteenth sitting

Tuesday, 17 June 1997, 3 p.m.

Presidents: Mr. Khalil, Mr. Ramírez León

Reports of the Chairperson of the Governing Body and of the Director-General: Discussion *(concl.)*

Original Arabic: The PRESIDENT (Mr. KHALIL) — In the Name of God, the Merciful, the Compassionate! Let us now continue the discussion of the Reports of the Chairperson of the Governing Body and of the Director-General.

Mr. ADIYA *(Workers' delegate, Mongolia)* — First of all, I would like to extend the warmest greetings of the Mongolian workers.

Social, political and economic reforms began in 1990 in Mongolia. The transition to a market-oriented economy still goes on. We have attained a certain amount of progress in the sphere of economic liberalization, the development of pluralism and respect for human rights and freedom. However, we acknowledge that the economy of Mongolia faces many difficulties and hardships. People's living standards are certainly low and poor, the unemployment rate is high and a quarter of the entire population is living below the poverty line. Given these circumstances, Mongolian trade unions focus priority attention on minimizing the negative consequences of the transition period for the working people.

There is no doubt that it is highly important to establish a sustainable tripartite mechanism for the enforcement of labour standards to reduce unemployment and eliminate poverty and to guarantee fundamental human rights and freedom.

The Confederation of Mongolian Trade Unions strongly supports the discussion of all the items on the agenda of this 85th Session of the International Labour Conference because they are vitally important for the improvement of workers' living standards. The Report of the Director-General submitted to the current session of the Conference, which presents ways and means of promoting and strengthening the core ILO standards and which discusses the future standard-setting activities of the Organization, deserves a great deal of interest. We fully agree that it is high time to enhance the ILO supervisory machinery on the application of Conventions in the context of a globalized economy. Mongolia has ratified nine ILO Conventions, among them four core Conventions. Ratification should be followed by effective implementation of the Conventions. In our country a number of cases have been registered of violations of ILO Conventions.

We intend to take all the necessary measures to make the Government of Mongolia ratify the rest of the core ILO Conventions on the prohibition of forced and child labour, namely, the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Minimum Age Convention, 1973 (No. 138). Trade unions, as workers' representative organizations, must strengthen solidarity action against violations and ignorance of internationally recognized ILO standards by governments. Today, it is crucially important for all the tripartite constituents to make the utmost and best efforts for the implementation of the declaration drawn up at the World Summit for Social Development in Copenhagen.

Negative consequences arising from the transition economy directly affect the workers' social and economic interests. In the transition economy countries, unemployment and poverty have become acute social problems.

Now, in Mongolia the registered unemployment rate is 7.6 per cent of the overall labour force. Therefore, we consider the item on the agenda entitled "General conditions to stimulate job creation in small and medium-sized enterprises" an increasing recognition of the important role of small and medium-sized enterprises and the promotion of economic growth and development.

Finally, may I pay tribute to the ILO for the valuable and generous assistance rendered to the Mongolian trade unions for the purpose of educating and training the Mongolian workers.

Original French: Mr. COLCEAG *(Workers' delegate, Romania)* — On behalf of the Romanian Workers' delegation, I would first of all like to congratulate you on your election to the presidency of the Conference this year.

The Workers' delegation of Romania wishes to explain our position with regard to certain ideas and concepts set forth in the Director-General's Report. Our view is that the liberalization of trade and economic growth will not inevitably lead to social progress and equality of opportunity, and will not necessarily reduce social exclusion and poverty. Liberalization may well make things worse for many workers.

The Report is, we think, is excessively optimistic about this. The Social Summit in Copenhagen and the Ministerial Conference in Singapore emphasized the importance of workers' fundamental rights, that is, freedom of association and collective bargaining, a ban on forced labour, including that of children, and non-discrimination. In the present context of economic globalization and freedom of trade, it is incumbent upon us to recall the importance of respecting basic human rights and for example the right to employment and the right to earn enough to allow a decent standard of living.

Making reference to the Central and Eastern European countries, amongst which is Romania, we observe that the social implications of economic globalization and the liberalization of trade have to be added to the consequences generated by the more or less radical reforms now in the process of being completed. In Romania, the present Government is applying a radical and accelerated programme of economic reforms, the costs of which are borne by the population, with major social implications, among which are the decrease in real wages, and in spending power, and loss of jobs by massive redundancies.

One of the conditions imposed by trade liberalization — the immediate reduction of import taxes — has had the short- and medium-term effect of making it more difficult for Romanian enterprises to compete internationally, which brings with it further social implications, first and foremost of which is a further reduction in jobs. This is why we consider that in the present context of economic globalization and the liberalization of trade, respect for workers' rights concerns only the basic rules of the game and should allow the development of social policy that takes account of national possibilities and of the principles and rules set forth in social security standards.

Now we are far from achieving a parallel between economic and social progress that was expected from liberalization. Hence we support the efforts made by the ILO to reinforce the real impact of international labour standards so that all workers may profit equitably from the fruits of globalization.

The Romanian Workers' delegation supports the establishment of a social label machinery to be awarded by the ILO. This system should, we think, contain at least the following elements. First, it should encourage and support the countries which make concerted and tangible efforts to ensure fair distribution of the costs and benefits of economic development, and to promote the equality of opportunity for their citizens in accordance with the constitutional principles and objectives of the ILO. The International Labour Office, the other international bodies and other member States could, for example, support the efforts made by giving mutual assistance and by technical and financial cooperation.

Second, it should support and coordinate the efforts made by the social organizations like the workers' organizations, consumers' associations, NGOs and enterprises, to introduce and to ensure respect in practice for the labels, charters and codes of conduct which guarantee that conditions of production are in accordance with the ILO labour standards.

In supporting the idea of a social label, we draw attention to the proposal made by the Workers' group with regard to the introduction of social clauses that incite employers to observe standards and if necessary to punish violations in a multilateral or non-protectionist framework.

The Workers' delegation of Romania supports the Director-General's Report when he says that "merely to 'take a break' from standard-setting", that is to say no to further new standards, is not acceptable.

We believe that globalization, increased competition and new technologies call for fresh standards and the revision of existing ones. With regard to the type of standards, we are against any attempt to promote Recommendations rather than new Conventions — for the simple reason that governments and employers do not take Recommendations seriously since they are not obligatory — unless the Recommendation helps to supplement or add to the background of some particular Convention.

Finally, we consider that there should be a report by the ILO on the supervisory machinery and the possibilities offered by technical assistance. Before concluding I would like to offer my thanks to the ILO for the activity of their experts in Romania up to the present time and to hope that this work will continue on a broader scale.

Original Spanish: Mr. ZAVALA-COSTA *(Employers' delegate, Peru)* — I am once again pleased to address this tripartite labour forum on the occasion of the 85th Session of the International Labour Conference. I warmly greet all my fellow participants in the name of the National Confederation of Private Employers' Associations of Peru.

The Report of the Director-General on standard setting by the ILO at a time of globalization is excellent. It invites us to reflect on the policy of standard setting of our Organization and, at the same time, on another crucial and related topic, the creation of productive employment, which is undoubtedly another priority which should be the focus of ILO activities in the years ahead.

It is essential to have a new pragmatic policy of standard setting which will bolster the effectiveness of the ILO, revising and updating the standards that have become too detailed or too rigid to be applied in many countries, or which curb the creation of employment. We recognize the important function of the international labour Conventions and Recommendations, but the proliferation of non-ratified standards which affect a limited number of people has weakened their credibility. We should not decide *a priori* on the adoption of Conventions, rather, in accordance with the principle of subsidiarity, we should elaborate international standards only when absolutely necessary, and accord priority to those issues on which a consensus is likely to be reached. To that end, it might be worth our while to modify the questionnaires used in preparing the work of the Conference and hold consultations with the secretaries of the groups to anticipate the problems which might arise. The Recommendations should not be considered as being supplementary to the Conventions, but, rather, they should be regarded as having a value of their own since they adapt themselves to various situations and do not present the same problems of interpretation and application. The word "standard" should not be synonymous with "Convention".

We also believe that it is in the interests of the ILO constituents to take into account the specific proposals, such as those made by the International Organization of Employers, to assert the standard-setting role of the ILO in facing the challenges of the next millennium. The Governments should therefore not vote in favour of a Convention if they do not believe that they can ratify it. The current supervisory mechanisms should take advantage of identifying the items to be revised, and this would greatly facilitate the ratification and correct application of the instruments. It would also increase the number of required ratifications which, in turn, would take into account the increase in the number of ILO member States.

Furthermore, it would also help ratification if it were easier to denounce Conventions, since it would prolong the period during which they may be denounced. Finally, we welcome the introduction of mechanisms for denouncing Conventions which have lost their purpose or which no longer contribute to the achievement of ILO objectives. The elimination of obsolete texts will, without a doubt, improve the image of the ILO.

No national or international legislation is untouchable but they must always be adapted to the changes taking place, or those which are about to take place, within a more flexible and pragmatic legislative framework which does not stop, but stimulates growth and economic development. The protection of the fundamental rights of workers must remain one of the basic objectives of the ILO. This is of great importance at the moment and is at the root of discussions on the social consequences of the liberalization of international trade. As the Director-General says in his Report, "Today, nobody can claim that developing countries are not entitled to the advantages they derive from their wages and levels of social protection which are comparatively lower".

"But if their approach is to be formalized", as the Director-General notes, "it presupposes the universal respect of certain fundamental human rights of workers: freedom of association and collective bargaining, the prohibition of forced labour, including forced labour of children, equality of treatment and non-discrimination, and the minimum age of employment." In that sense it is up to the ILO to exert its influence decisively on all member countries, including those which have not yet ratified the Conventions, as promised by the Heads of Governments who participated in the World Summit for Social Development in Copenhagen. We must also remember that the value of those fundamental rights were also recognized in the WTO Ministerial Declaration in Singapore, which categorically rejected the notion of a social clause, reiterating that the ILO was, "the competent body to set and deal with these standards ...".

In conclusion, allow me to take this opportunity to express our satisfaction at the recent solution in Peru of the so-called hostage crisis, which began with the invasion of the residence of the Japanese Ambassador in Lima by a group of terrorists from the Túpac Amaru Revolutionary Movement on 17 December last year. We particularly want to express our appreciation as employers for international solidarity with our country, and we must praise the courage and boldness of the Chavín de Huantar emergency rescue operation which, in 40 minutes, dealt with the whole drama of the hostages. We do of course profoundly regret the loss of 17 lives, including that of the magistrate of the Supreme Court of the Republic and who is now a national hero.

As employers from Peru, we reaffirm our vocation to live in peace without yielding to any from of blackmail against the State by terrorist groups.

Original French: Mr. DIARRA *(Minister of Employment, Public Service and Labour, Mali)* — I should like first of all to associate myself with the congratulations expressed to Mrs. Olga Keltošová, Minister of Labour, Social Affairs and Family Affairs of the Slovak Republic on her brilliant election to the presidency of this, the 85th Session of the International Labour Conference.

I should also like to congratulate the other Officers of the Conference. I am quite sure that with their skill and experience they will guide our work to a successful conclusion. I should also like to take this opportunity to thank the Governing Body of the ILO and the Director-General for the excellent quality of the reports which they have produced.

At the 83rd Session of the International Labour Conference already, on the agenda item relating to labour policies in a global economy, I had expressed the ardent wish that peace and social order which are essential to economic growth in our countries, should not be destabilized for the sake of improved economic prospects through unbridled deregulation of the labour market which could lead to social tension and confrontation with unforeseeable consequences.

This approach has fortunately just been reaffirmed by his Excellency Alpha Oumar Konaré, President of the Republic of Mali who, in his inaugural address on 8 June 1997, began his second term of office with a dual commitment to reinforcing the social front and overcoming poverty. Convinced "that there is no social peace where injustice and inequity exist", the President of the Republic of Mali believes that the improvement of the economic situation will be meaningless in and of itself unless it serves the promotion of social well-being.

This is eloquent of the great interest which the Government of the Republic of Mali takes in the Report of the Director-General which is entitled *The ILO, standard setting and globalization.* This standard-setting work must be maintained because it is the very *raison d'être* of our Organization, which seeks to maintain universal and lasting peace through the promotion and development of social justice.

The improvement of labour conditions, protection of the life, health and dignity of workers should be the permanent goals of the ILO. Development of world trade in goods and services and growing integration of financial markets, undoubtedly constitute today the cornerstones of social progress. However, as the Director-General states in his Report, the greatest risk of globalization is that international competition could lead to progressive deterioration of labour conditions at world level.

Therefore, standard setting for this development of the global economy is a necessity for the international community to provide a firmer basis for the recognition of the fundamental rights of workers. Such promotion of good labour conditions should be as broad as possible in order to provide more concrete social improvements as globalization develops.

The Government of Mali remains convinced that the ratification of international Conventions is essentially a question of the political will of each of the member States of the ILO. Therefore, the ILO has the duty of stressing the fundamental issues and assisting member States in charting their policy and implementing them by continuing to improve their own mechanisms to monitor application of Conventions.

Promotion of small and medium-sized enterprises and the role which these can play in stimulating growth and creating jobs are of paramount importance. To overcome unemployment and poverty we must first develop and implement favourable employment policies.

The development of small and medium-sized enterprises is one of the most credible alternatives in the fight for employment. This is why, very early on, Mali initiated, with the assistance of friendly countries and institutions, many projects geared towards the promotion of SMEs and SMIs which enabled us to create thousands of direct and indirect jobs.

We have to create a context favourable to the development of this sector which potentially can bring remunerative employment by removing the obstacles such as difficult access to real estate ownership and to credit, unsuitable trade and customs policies, and insufficient training, etc.

We must encourage quality and productivity which are the keys to growth and competitiveness in general and for SMEs/SMIs in particular.

Like many developing countries, Mali has adopted in the context of its economic reform programme, a number of institutional measures to liberalize the labour market. We have created private employment agencies and temporary employment agencies which now carry out work previously done by the public employment service.

Since this reform, contract labour is on the increase and as far as existing legislation is concerned, although contract workers are not subject to any discrimination in my country, none the less, in practice we experience genuine difficulties. Many of these agencies which are still in their infancy, frequently experience difficulties in properly fulfilling all their obligations towards their employees. In addition, some of those involved are not sufficiently professional and this compromises quality of service rendered.

Because of all these problems, our States need to make a great effort to adapt rules and practice in order to improve conditions of work for contract work and guarantee equality of treatment and sufficient social protection.

This legislation to provide the necessary protection to the workers will, however, need to be sufficiently flexible to take account of the specific situation in each country.

In concluding I should like to endorse one of the wishes formulated by the Director-General in his Report. I too wish to see the ILO invigorated in its standard-setting work at the dawn of this third millennium already before us.

Mr. APPIAH AGYEI *(Workers' delegate, Ghana)* — I bring you fraternal greetings from the working people of Ghana.

Let me start off by joining those who have spoken before me in congratulating you and your able Officers on your election to preside over this 85th Session of the International Labour Conference. Under your wise leadership we are convinced that the affairs of this Conference will be steered to a very successful end.

The topic for this session, which is dear to the hearts of all working people of the world, has come at an appropriate time when the campaign to intensify the promotion of human and workers' rights globally has been acknowledged.

The renewed interest shown in promoting the ratification and application of international labour standards has been largely motivated by the significantly poor and morally unacceptable labour conditions prevailing in many countries.

Problems of child labour and inhuman conditions, of bonded labour, physically taxing work processes, discrimination in access to employment in the workplace, and inadequate returns for work still prevail. A lot, therefore, still remains to be done in terms of achieving the primary objectives of the ILO. The problem has been compounded by the global communications network which has brought to the fore and to public awareness appalling labour conditions, such as the exploitation of child labour and the harsh labour processes of women workers in export processing zones.

Some of the products of these developments are exploitative labour practices and the political manifestation of popular anxieties over job losses in industrialized countries, which have contributed to the renewed debate on the social clause and its inclusion in international trade agreements.

In the face of mounting globalization of the world economy and continued liberalization of world trade, we have no option but to strive for respect for the core Conventions of the International Labour Organization in international trade.

It was on this score that we hailed the decision of the OAU Labour Commission, at its meeting held in Addis Ababa this year, to promote promotion of the ratification and application of core Conventions of the ILO.

This decision was meant to endorse the declaration at the WTO Ministerial Meeting in Singapore that only the ILO has the competency to take responsibility for promoting the application of international labour standards.

For the sake of the credibility of these governments, we expect them to stand by their commitment to support the Director-General's efforts at strengthening the supervisory mechanism of the International Labour Organization.

We support the measures contained in the Report of the Director-General aimed at guaranteeing the relevance of the ILO's standard-setting activity in the future and tangible measures required to be in place to ensure social progress as well as humane conditions in international trade.

Our support for the measures outlined in the Report also stems from our belief that Africa, my continent, represents the world's most serious development challenges with an alarming level of poverty — over 40 per cent of its 660 million inhabitants are categorized as poor. The fact that its population growth rate is roughly twice that of the world means more and more people enter the poverty bracket every year.

Our economies, despite over a decade of implementing structural adjustment programmes, continue to be in crisis. With its generally declining incomes, high population growth rates, minimal foreign direct investment, a deteriorating social sector, the AIDS pandemic, famine, civil strife and unfavourable trade balance, the continent remains almost abandoned.

With this disturbing situation we expect the ILO to continue to support Africa with programmes that will enable it to overcome the challenges of structural adjustment and globalization, with the objective of ensuring that employment creation, poverty alleviation and popular participation remain the main focuses of ILO constituents. Otherwise, even in the coming millennium, Africa will continue to bear the tag of a continent of missed opportunities.

Let friends of Africa stand up now and be counted.

Mr. VAN LEEUWEN *(representative of Education International)* — As you drive out of Geneva on the motorway you see an overpass where somebody has written in big letters "You want to globalize? First, human rights!" In a nutshell, there we have it. Globalization of the economy is a fact. There is no point in trying to deny it or in trying to stop it but the question is: "What kind of globalization?" A form of globalization respecting no values, functioning only according to the laws of the jungle? Or one based on common human values? Globalization is not new. The creation of the ILO after the First World War reflected an earlier movement towards globalization based on common values, as did the Declaration of Philadelphia.

But the pace of globalization has accelerated. More and more people are demanding, like that anonymous acrobat who wrote those words on the overpass outside Geneva, that the time has come to reaffirm basic human values. It is their voice which in this house is represented by the workers' movement. Education International, being part of that movement and speaking for over 23 million educators and education employees, insists that the Universal Declaration of Human Rights sets forth fundamental values for all peoples.

This Organization was created in order to establish, monitor and defend international labour standards and we support the Director-General in his efforts to strengthen the supervisory functions of the ILO and to find ways to ensure compliance with the international labour standards outlined in his Report. We are shocked at the unwillingness of some governments to allow further exploration of those proposals. Even more disturbing is that some of the same governments ignore the findings of the Freedom of Association Committee, that they treat this Organization's unique tripartite Governing Body with disdain and seem to aim at weakening the mechanisms that we have developed over the years. Such a position will leave workers with no option but to pursue other avenues, including trade sanctions.

Allow me to stress here that those who are preaching unguided globalization today, and all those who are making pleas in this house for minimizing or even abandoning international standards, are to be held directly responsible for the social consequences of their vision of the world. I will not speak of the deterioration or even disappearance of vital public services, which is widening the gap between rich and poor; I will not speak of the public school systems that are on the brink of collapse in some countries, due to unbridled free marketism; I will, however, refer to one of the most evil consequences of their ideas, namely that millions of children will be forced into servitude, destroying their chances for a better future and locking them into new cycles of poverty and despair. We believe all children, boys and girls alike, have the right to education.

Our members, educators and other education employees, have carried, and are carrying forward, the ideal of education for all, which emerged out of the Industrial Revolution. They have been in the vanguard of revolutions, industrial as well as political. Educators played leading roles in the movements for independence of Latin America and the Caribbean, of Africa, of Asia and the Pacific, and they have been instrumental in struggles to overthrow dictatorships and regimes based on racial discrimination.

Today we are more than ever in the forefront of revolutions — the information revolution and the knowledge revolution, and we are crystal clear in our advocacy for the idea that these revolutions must be based on respect for basic human values and must not be an excuse for the strong and powerful to trample on basic human rights.

The militant advocacy of our members places them in the firing line. As I speak here today, we have teacher union leaders in jail; some are being tortured by governments which cynically send representatives to this Conference. As in previous years, some of our members have paid for their beliefs and their dedication with their lives.

But it would be a mistake to think that we will give up. We have not in the past, and we will not in the future, for we have an abiding belief that the human spirit will prevail. Education, by its very nature, seeks to nurture, to develop the human spirit and that is the duty which a democratic world society requires of our profession.

Education International and its national member organizations around the world remain more committed than ever to working with their colleagues in the ICFTU and the International Trade Secretariats towards a global society based not on the law of the jungle, but on equality of opportunity, social justice and democracy, solidarity and peace, and we expect our governments to support an ILO that remains faithful to its original mandate.

Original French: Mr. PEIRENS *(Workers' adviser, Belgium)* The international workers' movement, and with it the ILO, is trying to redefine the social content of the new international order, which is being ushered in by what is commonly known as globalization.

But this talk of globalization often serves to mask a series of politics or practices which, it is claimed, are inevitable in economic terms, whereas, in fact, they are based only on ideological premises or on considerations of profit or competitivity, without any social ramifications. It is essential that we should be attentive to the perverse effects of this neo-liberal discourse, which leads top politicians increasingly to abdicate their responsibilities to market interests and market forces.

The Summit at Copenhagen and the Ministerial Conference of the WTO in Singapore emphasized the key role played by the ILO in establishing a social framework. It is therefore important that the ILO should take up the challenge before others feel called upon to play this part. The ILO is the guarantor of representativity and universality, whereas others act only in the name of economic, geographic, or institutional interests — or without having the tripartite character which determines our actions.

I shall merely focus on a few points which call for more action on the part of the ILO; and I shall take as my yardstick, as does the Director-General, the central instrument of the ILO — its standard setting.

It is vital that the ILO constituents should be more rigorous with respect to the principles and basic standards of the ILO. We support any initiative which tries to increase the level of ratification of these basic standards. We should also therefore encourage the effective application of standards — and we understand the social label in this sense — and render the supervisory machinery more effective.

In this connection, it is incomprehensible that certain States which, economically and politically, are at the centre of the whole process of globalization, have not even ratified all the basic Conventions. It is also unacceptable that other States, for many years now, and even at this session of the Conference, hide behind national differences as regards development to justify the partial or diversified application of Conventions. These same States seem to wish to confine standard setting and monitoring within an exclusively national framework.

We cannot, at the same time, deny the essential rules of the game and wish to continue to be a player. Nor can we deny the universality of social justice and say that we are respectful of the ILO's principles and Conventions.

It is time to provide for a system similar to that of the Committee on Freedom of Association, which would apply to other basic Conventions — thus constituting a worldwide social basis for durable human development.

No decision to step up the work on basic Conventions can go ahead without breathing new life into the whole standard-setting process of the ILO. The consistency and interaction of the Conventions and principles must be maintained and reinforced because they constitute the only guarantee of balanced and effective social action.

There are some new major challenges which urgently call for the enactment of standards. Brutal shut-downs, decided unilaterally, as was the case in Renault Vilvorde in Belgium, are in flagrant contradiction with the principle of tripartism, the Convention on collective bargaining, and a number of other ILO Conventions.

This development shows how necessary it is to devise a Convention which would guarantee effective machinery for the information and consultation of the workers in supranational undertakings and networks. Such a Convention would be indispensable in a concrete form and an essential complement to the ILO Tripartite Declaration on Multinational Enterprises.

The ILO must continue its work of drawing up new standards and give preference to Conventions.

To sum up, I am in favour of a solemn declaration which would have a constitutional character, thus involving a specific and regular procedure to examine complaints of violations of basic Conventions — as I have just explained. I am also in favour of a social label to cover all workers, including those who do not work for the export trade, which would encourage and support those countries which make concerted and tangible efforts in accordance with the principles and constitutional objectives of the ILO.

I will limit myself to these few reflections by insisting on the need to go ahead on the basis of firm guidelines, such as those we have been able to devise these last few years, and I am confident that at the next session of the Governing Body concrete action can be decided on.

Mr. SHU'AIBU *(Workers' adviser, Nigeria)* — On behalf of the Nigerian Workers' delegation, I would like to congratulate the President on her election to the lofty position as President of the 85th Session of the International Labour Conference. The Nigerian Workers remain grateful for the efforts of the ILO in promoting and protecting the interests and rights of the worker, especially in Nigeria.

With respect to the apparent delay, or failure, of member States to ratify various ILO Conventions, the Nigerian Workers feel that serious efforts must be made to secure ratification and observance by member States of the core Conventions.

Our delegation has tried extensively at the meeting of the Committee on the Application of Standards, and outlined our observations, predicaments and positions on the various reforms in the Nigerian labour movement. The Nigerian Workers have come of age, and we remain hopeful that our gains in the various negotiations so far will be further enhanced and consolidated by the impetus already provided by the ILO.

Finally, the Nigerian Workers' delegation wish to thank the ILO for its noble and unique role in trying to find solutions to the multifarious problems of global industrial relations.

Original French: Mr. BARDE *(Employers' delegate, Switzerland)* — First of all, I should like to congratulate the President on her election to the chair of this session of the International Labour Conference. S, as in Slovakia, is also S as in Switzerland, and I am very happy that this should be so.

The Report of the Director-General of the ILO entitled *The ILO, standard setting and globalization* does not require a decision to be taken by us. It does, however, call for a response and I should like, on behalf of the delegation of Swiss Employers, to focus on two essential aspects.

The first is the standard-setting activity of our Organization. We must imperatively move from considerations of quantity to considerations of quality. The globalization of the economy entails ever broader trade scenarios, but it also means that we have to take account of the specific situation in each of the member States. Although the basic principles enshrined in the fundamental human rights Conventions must be universally reinforced, both in the application and as regards the monitoring of that application — whether in letter or in spirit is of little import when compared to the final objective — the tendency more ideological than practical or realistic, to accumulate new instruments can only dilute and trivialize the essential mission of our Organization.

The Director-General wishes, in his Report, to revitalize the concept of a "Recommendation". We approve this wish, because it is better to have a Recommendation which is universally accepted as a set of guidelines, than a Convention which has been ratified without enthusiasm by only a few States, some of which moreover will encounter obstacles to its implementation.

If we look at what is happening in our countries, we can see that collective agreements between social partners are moving more and more towards the setting of framework agreements, leaving sectors, or even enterprises to establish the more detailed standards themselves.

The second aspect I should like to discuss is the corollary of the first and concerns the famous clause. The recent Ministerial Conference of the World Trade Organization in Singapore clearly defined roles and responsibilities. The fundamental principles of the respect and dignity of workers are the responsibility of the International Labour Organization. Therefore, we have to rise to this challenge, without interfering in trade, which could be more harmful to some than advantageous to others. In affirming this conviction, I am aware that it might jeopardize certain situations and acquired powers. However, this conviction is also based on the need of all our member States to have broader access to international trade, whilst ensuring — and this is sometimes lost sight of — that every person can keep his or her own bearings and points of reference. The economy is not just anonymous free trade. It is also the fruit of active and motivated participation on the part of all the players.

Original Spanish: Mr. FRADES *(Workers' adviser, Spain)* — May I begin by congratulating the Director-General for the very pertinent Report he has presented to this 85th Session of the International Labour Conference with which we agree in many aspects. The fact is that globalization of the economy brings us face to face with a reality which is complex and contradictory. If on one side it makes it easier to have economic and technological exchanges, on the other hand — in the absence of social objectives and social standards — it aggravates regional imbalances and reinforces social inequality. The competency of the ILO in the establishment of these objectives is incontrovertible, as has been recognized by all countries in the summit meetings of Copenhagen and Singapore.

In this new context, the role of the ILO has to be reinforced by the extension of basic workers' rights, reinforcement of monitoring international labour standards and the drafting of new standards which in the opinion of the Spanish trade union movement, should preferably take the form of Conventions if they are to be truly effective.

The idea of a *social label* which would be granted to certain countries that respect basic rights and accept that their social and labour practices should be inspected internationally, seems to be exceedingly promising and merits our support. Nevertheless, we should point out that the Spanish trade union movement believes in the necessity of a *social clause* of social rights in all commercial transactions, which is still very appropriate and will be needed if one day we are to achieve the globalization of social justice.

The ILO also has to continue to be just as active in promoting tripartism and social dialogue.

As regards this point, I would like to point out that the most representative Spanish trade unions have put social dialogue and social negotiation as the central objectives of our trade union action in order to find an answer to the labour and social problems, bearing in mind the new international framework. Social negotiation at the national level in each country is still important for us to be able to tackle problems which are bound up with or aggravated by the new international context.

In approximately one year we have signed seven very different agreements, but all of them have had enormous social effects and have generally been accepted in practice.

For instance, there is an agreement between the trade unions and employers on the system of arbitration and conciliation, others with the Government for the consolidation and improvement of social security, and for employment and social protection in agriculture together with a tripartite agreement on vocational training. But I would like above all to mention the recent agreements for *employment stability* and *collective bargaining*, which called for reinforcement of the value of social dialogue between the most representative employers' and workers' organizations.

These agreements, which are realistic and prudent, presuppose that the unions and the employers take over the administration of labour relations from the Government, and therefore confirm that there should be no unilateral action imposed by government power. Besides favouring stability and employment in the face of the precariousness that exists today, which affects up to 34 per cent of wage-earners, these agreements have a definite indirect influence on employment by favouring the factors which lead to employment growth. On the other hand, as regards collective bargaining, these agreements rationalize and reinforce its structure and enrich its contents.

But with this same responsibility and legitimacy we are profoundly concerned by certain threats to education and public health in Spain. The trade union movement will not accept regressive measures in these two pillars of the social State, that can only accentuate social inequalities. At the same time we have said that we reject the policy of privatization and liquidation of the public enterprise sector because it leads to unemployment and reduces the capacity to link the functioning of the economy to the general interests of society.

Finally, I would like to point out that the two majority trade union federations have lodged a complaint against the Spanish Government in the Committee on Freedom of Association of the ILO for a breach of the right of collective bargaining for public employees and breach of the collective agreement which had been in force until 1997. The unjust, discriminatory and abusive decision of the Government not to increase wages for public employees in 1997 is an obvious violation of the rights protected by ILO standards.

The Spanish trade union movement is continuing to support negotiations and social dialogue, but it will only be possible if there is a reorientation of social and economic policy and more positive attitude on the part of the Government.

Economic globalization cannot be an excuse for national States to question labour rights nor to reconsider their commitments in the social sector. On the contrary, as we are part of the European Union and identified with its values of welfare and social justice, we defend a new concept of globalization which means an extension of these values to the world at large.

Original Arabic: Mr. DEMNATI *(Minister of Labour and Social Affairs, Morocco)* — It gives me great pleasure, first of all, to congratulate Mrs. Keltošová personally and on behalf of the Government of the Kingdom of Morocco upon her election to the chairmanship of our Conference and to wish her every success in performing her duties. Thanks to her experience and great skill in the field of social and labour issues, she will, without any doubt, be able to secure success in our work.

The present study of the ILO's standard-setting activities will help us to chart the path towards realistic international labour standards and to enhance their role in the achievement of social justice that the Organization endeavours to defend through its various forms of action. Globalization with the economic progress that can result from it would have no impact if, at the same time, it were not to improve social conditions and bring about a balance between economic growth and social progress. We fully agree with the Director-General in respect of workers' fundamental rights, the scope of which has been determined by certain Conventions adopted by the ILO and which are the cornerstone of social progress. But at the same time we believe that every effort should be deployed by our Organization for the purpose of achieving international consensus on the fundamental rights which should be respected by all while, at the same time, determining their contents and the conditions of exercise without other rights and freedoms being encroached upon. This is particularly necessary, given that the relevant Conventions and Recommendations adopted by the International Labour Conference are restricted to a series of general principles and do not determine the border-line between the application of these principles and the exercise of other rights. We also believe that the substance and scope of those rights and the achievement of consensus in their regard are indispensable for the observance of those rights by the international community. That consensus is likely to encourage member States to ratify the core Conventions and to allow the Organization to use its machinery properly. In this way, it would become possible to avoid a division between international Conventions of an authoritarian character based on special supervisory machinery and ordinary Conventions which are not mandatory unless ratified. We also think that imposing obligations on States that those States have not accepted would constitute an unacceptable legal precedent, given that it would run counter to the fundamental principles enshrined in the Treaty of Vienna.

Even if economic globalization has given our Organization's standard setting a new outlook, the ILO does not need to revise its Constitution in order to accomplish its new standard-setting functions. It should merely extend its basis of consultation in order to determine which issues are best addressed by standards and use the most appropriate means it has available to it for that purpose. In this context, the ILO could draw more than ever upon external structures in endeavours to identify its constituents' real needs; this would allow it to target its standard-setting activity at issues which cannot be dealt with in any other way.

Moreover, Recommendations should have priority in such cases, providing that proper effective follow-up action through the Organization's constitutional machinery is ensured.

It is our opinion that the Director-General's proposal regarding the social label would be harmful for social conditions in several countries, in as much as this label would be used for protectionist rather than social purposes. This is why we believe that the best way of securing social progress is to be found in the elaboration of technical cooperation programmes and of strategies designed to mobilize the funding of such programmes.

Convinced of the need to dovetail the Organization's standard setting and the process of elaborating national legislation, the Kingdom of Morocco has ratified 41 international labour Conventions, including five of the seven relating to workers' fundamental rights. In this respect, the draft Labour Code, upon which we are seeking a consensus between all concerned parties, includes provisions conducive to the ratification of the two core Conventions not yet having been ratified, as well as to an improvement in industrial relations.

Our country is aware of the need to face up to the economic challenges now encountered on an international level and that it is important to establish the foundations of economic and social progress on the principles of tripartite cooperation; consequently, we have placed the social dialogue between the Government and the social partners at the heart of our social policy.

The important signing in Morocco last summer of a joint declaration between the Government and the social partners is now having a major practical impact and constitutes undeniable evidence of Morocco's commitment to the system of tripartite consultations always highlighted by the ILO's Conventions and Recommendations.

As we rejoice at the creation of an ILO unit in Arab Jerusalem with a view to supervising the implementation of the Organization's programmes in support of the social partners in the State of Palestine, we, at the same time, express our concern and condemnation of the Israeli settlement policy with its serious repercussions for workers and employers in Palestine and the other occupied Arab territories.

We call upon our Organization to face up to its responsibilities and to give the necessary protection to Arab workers and employers in the occupied Arab territories and to use all means available to it to put an end to the destructive consequences of the Israeli settlement policy.

Original Spanish: Mr. BERNAL CAMERO *(Workers' delegate, Cuba)* — The Cuban Workers' Federation supports all efforts directed at the proper implementation of the ILO's international labour standards.

As regards what has been called "the era of globalization", I can only ask "What kind of globalization?", and add "Will this era be unfortunate and unhappy for the workers like the one preceding it?" It would seem that the answer is yes, because before so-called "globalization" the greater part of the wealth generated by the work of millions of wage-earners and their forbears was concentrate in the hands of a small minority owning huge amounts of capital, and unless this unjust relationship of ownership changes, the position will remain the same.

Indeed, there is plenty of evidence that many of the most serious problems not previously solved will crop up again in the new era in a pernicious and chronic form, such as unemployment, hunger, malnutrition, illiteracy, incurable diseases, housing shortages, destitution, lack of security and social systems, child labour and many other evils which could be avoided, but never will be under a system of capitalist, neo-liberal globalization, as that which is being imposed on us and which unfortunately quite a lot of us are awaiting with a sense of anxiety and convincing ourselves of its supposed beneficial effects for the whole of humanity.

None of the forms adopted by capitalism in its open greed for profit and yet more profit will have the virtue of making the social problems that affect humanity one of the major issues to be addressed. This era, dominated by a group of economic powers which are in turn obedient to the most powerful interests of major capital, is not an appropriate one for trials of labels or certificates of good conduct.

However, the need to ensure that international Conventions are applied is indisputable; it is in the interest of the workers. The debate must continue until we find the most judicious and feasible ways of giving the ILO's standard-setting activities the necessary stringency.

I would like to state once more the need for the international community to continue to demand the suspension of the economic, commercial and financial blockade to which Cuba has been subjected for over 30 years and which it is heroically and stoically resisting, and will continue to resist, without any concessions to the aggressor which seeks to make us hesitate in our sovereign will to construct a socialist society in the service of the workers.

I understand that all nations are free to trade with whoever they choose, but I cannot understand that there should be nations which lay down laws to be them applied by other countries or to be given effect by financial undertakings or entities which are not subordinated to them, as is the case of the latest laws promulgated to tighten the blockade of Cuba and those applied to other countries which are also the subject of blockades.

Not only are threats and different types of sanctions directed at those who trade with or make investments in Cuba, but on 13 June a delegate at this Conference told me that he had been officially informed that he would not get a visa if he requested one to visit a certain country which takes part in the blockade of Cuba, since during a debate at the ILO he had made certain statements.

In this Conference I have had heard it said that we are all entitled to enjoy the fruits of globalization, but it would be necessary radically to change the very unjust world order that currently exists. There would also have to be a reduction in the dominance, the arrogance and the abuse of power of certain nations, beginning with the most powerful one of all, and it would be necessary to instil democracy in the whole United Nations system, raising the real power of the majority of nations above the omnipotence of a small group.

I would like to repeat what the Director-General says on page 34 of the appendix to his Report, *The report on the situation of workers of the occupied Arab territories*, which is that "universal and lasting peace can be established only if it is based upon social justice".

Mr. KARA *(Workers' delegate, Israel)* — Allow me first of all to congratulate the President on her election, and to express the hope that the final results of this Conference will be to the satisfaction of all the groups.

It gives me great pleasure to have the honour of addressing the Conference once again as the representative of HISTADRUT, the General Federation of Labour in Israel. As we approach the turn of the century and the start of a new millennium we are witnessing turbulence and change where we had expected stability and calm. After the calamities of the great wars of the first half of the century, mankind collectively hoped for a better second half. Instead, we see that human relationships have not become warmer or more compassionate as the laws of market forces rule everywhere. The god of profit is paramount and humane labour relations are less important.

Wherever we look, governments are weakening the services provided by the Welfare State and pensioners are seeing a steady reduction in the value of their savings and benefits. The feeble are paying the price of "managing government like a business" and the old and infirm have to fend for themselves.

I believe that one of the important functions of this eminent body is to correct the tilt of the table and to report and correct injustices where they occur, in all parts of the world.

We must address ourselves to the question of the response of our organizations to the eroding of collective agreements by the concept of contract labour, which can only lead to confusion and anarchy. This element of labour relations is very popular with the multinational companies and the international community must learn the best way to handle it. It appears that this phenomenon is unavoidable and I believe that a way must be found to include the provisions of contract labour within the framework of collective agreements.

Another important question to be addressed is that of the exploitation of children. HISTADRUT supports the ban on purchasing merchandise produced by the companies who are misusing child labour and we hope that this campaign will succeed in stopping this modern form of slavery.

The employment of foreign nationals also brings its attendant problems. The achievement of the principle of the free flow of labour must not mean that migrant labour is mistreated and exploited. Opportunities for abuse and weaknesses in present laws are convenient. We must find new ways to deal with unscrupulous employers who again take advantage of the weak and defenceless.

Privatization is today a popular cure of all illness. HISTADRUT does not oppose privatization as such, provided that the legitimate rights of the workers and the strategic needs of the nation are adequately safeguarded.

The turmoil I mentioned earlier is also affecting HISTADRUT and the whole region of the Middle East. HISTADRUT has embarked on a process of renewal and reformation. Our organization has become more compact and more emphasis is now placed on trade union affairs and services to our trade union members. The reduction in size has been painful and we are now embarking on a campaign to attract new members. Our activity in the field of industrial relations is very important and felt by all of Israel's population.

HISTADRUT has always supported the peace process in the Middle East. We are concerned about the pace of progress at the present time. The prosperity and happiness of everyone in our area depends on the establishment of just and lasting peace at the earliest possible time. Only this will ensure a better life for all. We pray that the hope for success which we all shared such a short time ago will return to the region in the near future and that all the countries of the Mediterranean will be able to look forward to happy, serene and democratic lives of cooperation between nations in place of enmity and suspicion.

(Mr. Ramírez León takes the Chair.)

Original German: Ms. ENGELEN-KEFER *(Workers' delegate, Germany)* — No one looks at common products on sale like shirts and shoes to see under what conditions they have been produced. If we knew that, would it in any way affect our decision to buy or not?

I support the proposal of the Director-General to introduce an ILO social label, which we should carefully check. Only then could the consumer decide conscientiously in favour of this or that labour standard. This is not protectionism.

We also support the other proposals of the Director-General for strengthening labour standards in general. Furthermore, we believe that measures and development assistance should be increased for countries which are striving to achieve social progress. Industrial countries have a special responsibility in this respect. We agree with the Director-General that unfettered competition does not automatically lead to social progress.

On the contrary, the promises of globalization may well bring disappointment and disillusion. Globalization is a process which we cannot avoid but it is also a process that can become a social bomb which we must seek to defuse. There is a need for a worldwide plan for the massive protection of the interests of workers and the strengthening of the ILO's objectives vis-à-vis the capital and internationalization.

If the national State is reduced to a competition State fully subject to the world economy, uncontrollable internal and external factors will increase the vulnerability of States.

The risks of economic and social collapse are growing, and particularly affect the developing countries. Money also does not create solidarity, but is merely a means of providing charity assistance. New kinds of fundamentalism, whether religious or national, are appearing, if which neo-liberalism is part, particularly when it claims that market laws are sacred.

All those who want to sacrifice social standards on the altar of globalization should be aware that this could lead to a return to protectionism in some countries — which is something that none of us desires.

To prevent this from happening, ILO standards should be strengthened as well as the objectives of the Organization. We firmly support the idea of a report on the social consequences of globalization. I also agree that the provisions on freedom of association should be included in other Conventions. The jurisprudence regarding freedom of association and the right to strike shows that the three groups agree on the universal nature of these fundamental standards. But we do not agree with all that the Director-General says. By placing too much emphasis on Recommendations without strengthening the supervisory machinery, we risk weakening standard setting as a whole. We will judge States according to the way in which they give effect to the declarations made in Copenhagen and Singapore. And I believe they will show that they really want to support the ILO's activities.

We insist on the social label. We endorse the assessment made in Singapore that it should not be used for protectionist purposes and that a country's comparative advantages should not be called into question.

We believe that studies have clearly shown that developing countries have nothing to fear from the application of labour standards, particularly as regards the fight against child labour.

We must ensure that fundamental standards as well as the basic United Nations Conventions are fully respected. What we expect of the developing countries must also apply to the World Bank and the IMF.

The remarks of the Director-General concerning the strengthening of workers' basic rights in no way contradict the appeals made for the development of the developing countries.

We believe above all that cooperation between the WTO and the ILO should be promoted, and we would have liked to see some proposals to this effect in the Director-General's Report.

Social standards have even greater importance since the end of the conflict between the East and the West. But we must also try to defuse the time-bomb threatening the North and the South.

Mr. BOTHA *(Employers' delegate, South Africa)* — The Report of the Director-General is a significant contribution to the ongoing debate on the development of standards and their role in furthering social and economic progress. The Report emphasizes that unless the function of standard setting by the International Labour Organization is strengthened, the promise of progress in the world economy is liable to be jeopardized for many workers.

There can also be no promise of progress if standards and the process of standard setting are permitted to pose the same threat and place unacceptable limitations on all obstacles in the path of entrepreneurship or the creation of employment.

But that is not to say that the ILO should not continue to devote itself to the protection of the fundamental rights of workers and employers. Particular attention must be paid to the relationship between standards and the priority of the creation of productive employment.

We support the Director-General's positive proposals directed at better implementation of standards and their alignment with contemporary economic and social realities.

A critical review of the existing customs, practices and procedures, seemingly accepted as sacred by the parties engaged in the standard-setting process during the Conference, is a useful starting-point in the consideration of alternatives.

The Director-General highlights the attitude of governments which vote for a Convention with no serious intention of pressing for its ratification by the competent authorities. Not only is this attitude inimical to the initial intentions of the founders of the ILO and a breach of a moral commitment that is established by a yes vote, it threatens to undermine the core function of this Organization. This form of hypocrisy to which I refer has two important consequences.

First, the quality of the instruments that emerge do not reflect qualitative tripartite negotiation. Rather they too often represent miserable compromises fashioned during an adversarial amendments procedure adopted in a technical committee under extreme pressure to rapidly complete its work. These circumstances are not conducive to what we come here to do — to seek consensus with our social partners in an atmosphere of good faith.

Secondly, Conventions put to the vote at Conference reflect less and less the realities of the workplace. With little prospect of a significant rate of ratification, the standards held out by this Organization as internationally applicable norms, offer a false hope, even for those who look to them as an influence on national law and practice.

Records of voting on instruments should receive more publicity. A vote in favour of a Convention might even be the basis of regular inquiry by the Office when no ratification is registered within a reasonable period, taking into account the obligations of submission. Perhaps there should be a formal obligation to report on reasons for a failure to ratify once a positive vote is registered.

Of course the dynamics of politics will account for a degree of non-ratification despite a vote by a government in support of an instrument. But a return to the initial intentions of the founders of this Organization, of which South Africa was one, and the ongoing consideration of the Governing Body to the proposals made by the Director-General, will ensure a qualitative advance in standard setting within the limits inherent in the ILO's dependence on the action of its member States.

Finally, we acknowledge the continuing technical assistance by the ILO and in particular the Swiss Government, to the reform of labour market institutions in South Africa. The success of our Principal Dispute Resolution Agency, which has improved settlement rates of industrial disputes from 20 per cent to in excess of 70 per cent, is both a contribution to industrial peace and testimony to the success of this assistance.

The assistance of the multidisciplinary team in Harare has ensured that southern African members, for two consecutive years, have met their reporting obligations. We acknowledge, and are grateful for, their efforts.

Original Arabic: Mr. MATTAR *(Employers' delegate, United Arab Emirates)* — In the Name of God, the Merciful, the Compassionate! In his Report the Director-General chose as his topic the ILO, standard setting and globalization. This Report discusses the ILO's standard-setting activities and the demands of the globalized economy. It deals with a number of subjects and puts forward various ideas and views. Permit me now to give you the opinion of the Employers' Union of the United Arab Emirates on the Director-General's Report.

The position of our Union as regards international labour standards is based on the following. First, respect for the provisions of the ILO Constitution. Accession to these standards must however be on a voluntary basis and in accordance with the conditions of each State. Second, the current monitoring system for the application of international labour standards is a flexible, objective and impartial one and we feel that it should not be modified or changed unless it is to make it more flexible in the interests of member States, thus enabling us better to apply international labour standards. Third, the decision of the Singapore Ministerial Conference confirms the mandate of the ILO in standard setting, without however granting this Organization any mandate on international trade. Therefore we refuse a connection between international labour standards and trade liberalization. We also refuse to link trade with the social label proposed in the Report. My fourth point is that it is the duty of the ILO to grant technical assistance through technical cooperation projects to member States and employers' organizations, in particular in order to ensure greater compliance with ILO instruments.

The United Arab Emirates has a free market economy and has trade relations with all the States of the world. Our country has worked to create an environment favourable to trade and conditions favourable to investment. In the context of this policy many small and medium-sized enterprises were created and the market expanded, thanks to numerous facilities and exceptional conditions of service. We attracted foreign manpower as a consequence and we feel that the globalization of the economy should provide conditions favourable to trade, the transfer of technology, economic cooperation and the improvement of living standards, whilst respecting the conditions in each country.

The Director-General in his Report referred to the situation of Arab workers in Palestine and the occupied Arab territories. We thank the Director-General and the heads and members of the mission for their objective report which denounced Israeli policy and practices and showed the needs of the social partners in Palestine and the other occupied Arab territories. We appeal to the Director-General to continue with this work by sending further missions on a periodic basis. At the same time we request the ILO to grant financial, technical and moral assistance to workers and employers in the occupied Arab territories, and in particular to the Palestinian authority. We commend the generous assistance given to the ILO projects in Palestine by the United Arab Emirates. This assistance took the form of the establishment of a centre, which provides wheelchairs for the disabled, and it was financed by his Highness, Dr. Sheikh Sultan bin Mohammed al-Qassimi, a member of the Supreme Council of Rulers, and Ruler of Sharjah. A centre for the disabled was also established, with the financial support of His Highness Sheikh Zayad bin Sultan al-Nahyan, Ruler of Abu Dhabi, Vice-Commander of the armed forces and President of the Supreme Council of Rulers. A project focusing on employment set up by Sheikh Rashid bin Saeed al-Maktoum and financed by Sheikh Hamdam bin Rashid al-Maktoum, Vice-Ruler of Dubai and Minister of Finance and Industry.

Original French: Mr. DAACH *(Minister of Labour and Vocational Training, Djibouti)* — Madam President, first I should like to congratulate you on your brilliant election. My congratulations also go to the other members of the Bureau. I wish you every success in your continued work at the Conference, and assure you of the support of my delegation.

Our Conference is taking place at a time when we have to rise to the challenge which the development of the world economy has posed, at a time when, as the Director-General has written, we are defending values, and promoting change. The subject of the Director-General's Report is a very topical one and is designed to encourage a fruitful debate.

The Director-General is right when he affirms that the Constitution of the ILO and the Declaration of Philadelphia provide the Organization with the means and the mandate which it requires to supervise the implementation of its basic principles.

The fundamental and essential goals of the ILO are still topical and they should guide us in our work. This is why Djibouti was often inspired by the instruments of the ILO when it modernized its labour legislation and developed a framework for social protection for our workers.

Thus we brought together the two essential conditions which link economic progress to social progress, namely, universal recognition of certain fundamental rights and the creation of an appropriate institutional framework.

The world has changed and we live henceforth in a multipolar world — a world where the already wide gap between the North and the South is becoming wider still. The questions which we have to ask ourselves are, as I see it, the following: First of all, how can we make our labour legislation modern and profitable for all the countries of the world? Second question, how can we reinforce the principle that man must remain at the centre of our concerns and our actions?

In this respect, we should like the "global social label" to be a means to overcome increasing poverty of the countries of the South, and a means of adding vigour to international solidarity. In fact, liberalization of trade and globalization of the economy should not constitute an end in themselves, rather they should be seen as a means to overcome underdevelopment, poverty, hunger and illiteracy. All of these scourges can, moreover, lead to national and regional conflict.

Can public opinion in our countries continue to be properly aware of our principles and our goals in a world in which a billion people have to live on less than a dollar per day, at a time when the world gross national product has increased by 40 per cent, in a world where 48 developing countries account for only 0.4 per cent of international trade?

Djibouti supports the initiative of the Director-General to strengthen the social dimension of structural adjustment, in accordance with the conclusions of the Copenhagen Social Summit.

Together, thanks to the principles and means of action of the ILO we can improve the daily lives of our populations throughout the world.

Original German: Mr. THÜSING *(Employers' delegate, Germany)* — The Director-General's Report should be studied with attention and respect, not only because of the matters he discusses, but also because of his imagination and his readiness to look for new ways forward. I can follow him on some of these paths, but not on others.

I welcome the fact that, in the second part of the Report, we find the traditional practice of standard setting critically studied. The Report thereby draws conclusions from the criticisms which in the last two years have become ever stronger. I cannot go into detail here concerning the considerations and proposals involved, but I would just say this — if standard setting is to preserve its sense, and this consists in the ratification of and compliance with Conventions and not just in their adoption, there is a need for radical reform, but not only in procedure, but also in the underlying philosophy. The Director-General's Report goes in this direction and therefore his considerations and proposals should be pursued further in the relevant ILO bodies in a constructive sense.

I would merely add two points to these considerations. Firstly, in preparing a Convention, must reading necessarily be limited to the length of one session of the Conference? Why should not the relevant conference committee ask for authorization for the subject to be resumed during the following session of the Conference if it observes that if it is to do its work properly it requires more time? This, of course, would only occur in exceptional cases, but we could perhaps ensure in this way that the time-limits imposed by our shorter labour conference sessions do not affect quality. I see nothing in the Constitution that would hinder this. Other related problems I think could be solved.

Furthermore, should not we consider in future subjecting those governments which at the Conference have agreed to adopt a Convention, but which then do not ratify it, to special additional obligations to report? We could find justification for this in that in giving their agreement at the Conference, they have awakened expectations which they do not then fulfil and that the reasons for this discrepancy demands special justification on which a report should be submitted. I think this could lead to more responsible and hence more fruitful standard setting.

In connection with the first part of the Report, I fully understand and share the concern of the Director-General with regard to the protection of basic labour rights throughout the world, but I feel that the possibilities which are available to the ILO in the framework of its Constitution are more limited. In this connection the Report develops — and in the best of intentions I agree — an interpretative fantasy, which could ultimately lead to a weakening of the Constitution. If we take this path with regard to rights now recognized as fundamental, then we would have no reason not to continue this procedure indefinitely tomorrow and the day after, when it would involve other Conventions then considered to be fundamental.

The Freedom of Association Committee is a special case which I do not think can be taken as a precedent.

I consider rigorous respect for the Constitution to be essential today, and in the future perhaps even more so. The Constitution is the only bond which holds us all together despite all our differences in interests and circumstances. This does not call for resignation. The solemn declaration mentioned in the Report to be given by the Conference, supplemented by changes concerning the reporting obligations, would prove valuable for further progress. The success seen so far in the ratification campaign of the Office supports this expectation.

We have heard much criticism of the proposed social label and unhappily I have to associate myself with it. I will give only two of a from the whole range of reasons for this: if social labelling were a success it would lead to trade discrimination, and this in turn would mean that the ILO would be overloaded if it were then responsible for close monitoring of the procedures.

Original Spanish: Mr. LAZO PERALTA *(Workers' delegate, Peru)* — Allow me to offer you, Madam President, and through you to the international community of the ILO, the respectful greetings of Peruvian workers and, at the same time, to wish the ILO renewed impetus in its mission to protect the rights and employment conditions of workers in the world. In this connection, we wish to express our strongest support to the points raised by the Director-General in his Report to the 85th Session.

Indeed, we consider it essential that we should have the most necessary existence of a parallel between economic and social progress. For that the ILO must ensure greater universality in the application of its fundamental standards especially for freedom of association and collective bargaining (Conventions Nos. 87 and 98) and equal remuneration and non-discrimination (Conventions Nos. 100 and 111) amongst others specified in the above-mentioned Report. We are in full agreement that the guarantee of fundamental rights is a necessary condition, albeit insufficient, for social progress. In this way we demonstrate our agreement that the member States of the ILO must press actively for social progress in every shape and form.

Indeed, we support the mechanism proposed for a social label of a general nature for all the products made in a country which would only be awarded to those countries which act in conformity with a series of fundamental rights and principles, and countries should accept that their practice in the labour field should be subjected to international supervision and agree to observe the necessary requirements on the spot.

We Peruvian workers are in favour of any initiative that would allow better supervision by the international community of the fulfilment of workers' fundamental human rights, so long as such rights have become common currency for all humanity.

We agree to improve the system of supervision to the extent that Peru does not hold in high esteem any ILO Conventions or Recommendations. We have indeed sent several denunciations through the Coordinator of the Trade Union Centres of Peru, which have merited favourable judgements from the ILO's Committee on Freedom of Association, and approved by the Governing Body in November 1994 and in June 1996, in which the Peruvian Government was requested to modify its legislation because it was in contradiction with international labour Conventions Nos. 87, 98, 100 and 111, exactly those which are supposed to confer a sign of universal respect for fundamental standards of the ILO.

It is our obligation to denounce, in this international forum, the fact that in our country workers in cooperatives are not allowed to unionize, nor those in temporary service companies which act as agents for employers, nor may workers organize in special complementary companies (dealing with such services as maintenance, cleaning, security guards, etc.) and the same applies to those workers who are contracted or subcontracted. All of them are prevented from unionizing by the sophistry of saying that they work for some different company. Furthermore the unionization of the workers contracted through youth or pre-professional training agreements is forbidden, because their relationship is supposedly not to be regarded as taking part in work, and is therefore not covered by any of the standards of labour law or any international labour Convention approved by the ILO.

All this has brought about a drastic reduction in the number of unionized workers and a consequent fall in the quantity of collective agreements to a number lower than ever seen before, because of specific measures taken to weaken the negotiating powers of unions.

A new Law on Collective Work Agreements has been promulgated by the Congress of the Republic, but instead of improving the situation and taking account of the main observations made by the Committee on Freedom of Association of the ILO, on the contrary it has been made worse by introducing a series of prejudicial prescriptions for workers and their trade unions, so you will appreciate that there is now another denunciation from the Coordinator of the Trade Union Centres of Peru who has submitted it to the above-mentioned Committee of the ILO's supervisory machinery. In order to achieve the hopes and expectations that globalization implied, we hope that the existence of a social dimension will be agreed upon, which will benefit all workers in all countries, no matter what their level of development.

Finally, we repeat our request, which we mentioned at the last meeting of the Conference that the ILO should equip itself with an instrument capable of sanctioning member States which fail to comply with the recommendations of the ILO and violate the social rights of workers.

(The sitting adjourned at 5 p.m.)

Best copy available

Nineteenth sitting

Wednesday, 18 June 1997, 10.15 a.m.

President: Ms. Keltošová

The PRESIDENT — Before we start with today's agenda, I would like to refer to the three record votes that the Conference took yesterday on the resolutions concerning arrears of contributions of Cape Verde, the Dominican Republic and Djibouti. All three were adopted and the Chair announced the results during the sitting. The details of the votes concerning Cape Verde and the Dominican Republic were published in *Provisional Records* No. 13(a) and 13(b), but due to technical problems the details of the vote concerning Djibouti could not be retrieved after the results were announced. I would like to make it clear, however, that the results of the votes which I announced are valid.

REPORT OF THE COMMITTEE ON THE REVISION OF CONVENTION NO. 96: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT — The first item on our agenda this morning is the consideration and adoption of the report of the Committee on the Revision of Convention No. 96, which you will find in *Provisional Record* No. 16.

I call on Ms. Maesela, Government adviser, South Africa, and Reporter of the Committee to submit the report.

Ms. MAESELA *(Government adviser, South Africa; Reporter of the Committee on the Revision of Convention No. 96)* — It has been my honour and privilege to serve as Reporter of the Committee on the Revision of Convention No. 96. I am therefore pleased and proud to submit to the Conference the report of the Committee, together with its instruments, that is, the proposed Convention and Recommendation on private employment agencies (*Provisional Record* No. 16).

Convention No. 96, which was adopted in 1949, provided for the abolition of fee-charging employment agencies which were conducted with a view to profit, and the regulation of existing fee-charging agencies. From the beginning of the 1960s onwards, the growth of private employment agencies helped to change the attitude that monopoly was the only solution, and the possibility of coexistence between public employment services and private employment agencies began to be considered. Progressively, in the last 20 years, many countries have allowed the development of temporary work agencies and have decided to relax the monopoly of public employment services and allow the operation of the private employment agencies. It, therefore, became necessary for many governments to protect from exploitation the most vulnerable workers who were being placed by these agencies.

The ILO must be congratulated for having been able to face up to the realities of changes in the labour market and the challenges that these changes presented. The ILO has demonstrated its ability to embrace change when it became necessary. However, we must not lose sight of the reason for the ILO's existence which is to protect and to promote the rights of workers.

The revision of Convention No. 96 was the result of a trend towards the liberalization of placement services. Taking into account the long-standing controversy on private employment agencies, the Governing Body decided to hold a general discussion in 1994 on the role of private employment agencies in the labour market.

The conclusions of the 1994 discussion formed the basis on which our Committee conducted its business.

The Committee on Private Employment Agencies at that session held the view that the revised standard should pursue the following objectives:

1. set the pattern for response to the dynamics of changing labour market functions and recall the role of its actors;
2. draw up general parameters to describe the main actors, namely, the public employment services and private employment agencies, as well as the nature of the relationship both between themselves and with their clients;
3. establish general principles and provide guidance that protect: (i) labour markets against poor and unethical practices; (ii) workers' interests, including whether the stability of industrial relations systems might be affected by some practices of private employment agencies (these principles should consider the concerns of some (but not all) Committee members with regard to the triangular employment relations, including contract labour, temporary work agencies and staff-leasing arrangements); (iii) workers recruited in one country for work in another;
4. create environments that allow for the improved functioning of all employment agencies;
5. ensure that national governments are free to determine how the above objectives should be met.

Looking at the results of our Committee's work and comparing them with the objectives set in the 1994 conclusions, I feel that we have fulfilled our mandate.

We started our work on the basis of two reports: the 1994 report, and the texts for a Convention and a Recommendation compiled by the Office, drawn from the answers to the questionnaire from the various countries. The Committee was charged with the responsibility of finalizing its discussion on the revision of Convention No. 96 in one session. However, the Committee needed 19 sittings to complete its work, which reflects the difficult issues which had to be dealt with.

The scene was set very early in the discussion, as the Employers stressed the positive role which private employment agencies could play, allowing for increased efficiency of the labour market in the interest of jobseekers, while the Workers stressed the documented malpractices and abuses which are prevalent in this industry, and the need to protect workers.

From the Government benches there were varied positions, with the EU countries being more united in most of their positions than the rest of the other governments. As the discussion progressed, there appeared to be identifiable trends in government positions from developed and developing countries. While developed countries appeared to favour less regulation of private employment agencies, as these countries have sophisticated systems of monitoring mechanisms already in place, developing countries on the other hand appeared to favour regulatory mechanisms, to be incorporated in the Convention. There was overall concern for the protection of workers, and very disturbing abuses were reported as having occurred in various countries.

Specific examples of abuses reported were: (i) workers being sent to non-existent jobs at own expenses; (ii) workers being forced into prostitution or domestic work to which they did not agree; (iii) workers being sent to enterprises to break strikes; and (iv) workers being dumped at sea after being promised work in another country. There are various examples of this nature. The Committee took bold decisions on many issues; most of them were taken on the basis of consensus, although on some issues compromises were reached after arduous and protracted discussions.

I would like to highlight some of those important issues on which key decisions were taken by the Committee: the inclusion of temporary work agencies in the scope of the instruments which is reflected in Article 1 of the Convention; the need for Members to determine the legal status of agencies and, in the absence of appropriate national law and practice on the operation of agencies, to establish proper licensing, certification or regulation of the operation of agencies, which is reflected in Article 3 of the Convention; the protection of personal data processed by these agencies, reflected in Article 6 of the Convention; the prohibition of fee-charging to workers with a few exceptions, which is reflected in Article 7 of the Convention; special protection of migrant workers, reflected in Article 8 of the Convention; prevention of the use of child labour by agencies, reflected in Article 9 of the Convention; a wide-ranging protection of workers, reflected in Article 11 and Article 12 of the Co vention; and the encouragement of cooperation between private and public sectors in the provision of services to the labour market, which is reflected in Article 13 of the Convention.

The report of the Committee reflects the detailed and sometimes difficult decisions which led to some of the above decisions. I believe that the detailed record of the discussion will help member States to take early decisions on the ratification of the Convention and on the application of both instruments. I also fully believe that we have come up with a modern instrument which will be able to stand the test of time. The principle of tripartism was clearly demonstrated and triumphed during the deliberations.

I therefore recommend that the Conference adopt this report as well as the attached texts of a Convention and a Recommendation. I believe that these two drafts should receive the necessary support from the Conference so that member States may recognize the degree of acceptance of the principles on which they are based.

It is my sincere hope that the application of these two instruments will provide jobseekers and workers of temporary work agencies the kind of protection which our Committee intended.

To conclude, I must extend my thanks to the Chairperson for having so ably led the discussions, allowing Members fully to express their views and their reservations, and also for having allowed the spirit of consensus to prevail.

I would also like to congratulate the two Vice-Chairpersons and the Committee members in the Employers' and Workers' groups for their commitment to their group's views and positions, but who nevertheless worked hard to achieve agreement which took into account as much as possible all the views expressed by the Government members.

I am also grateful to my colleagues on the Government benches who have shown a high level of expertise in comparing the draft texts with their national legislation so as to identify possible areas of difficulties and compromise.

To all my fellow Committee members I would again like to express my gratitude for the confidence placed in me, and also for the cooperation and support which they have given me throughout. I would also like to thank the secretariat and the interpreters for their excellent work which allowed for the smooth running of the Committee.

I will end by asking the Conference for unanimous support for the report, as well as a positive vote for the two instruments — the Convention and the Recommendation.

Mr. MAGNUSSEN *(Employers' adviser, Norway; Employer Vice-Chairperson of the Committee on the Revision of Convention No. 96)* — Convention No. 96 is an old Convention, growing out of the labour market of the 1930s and adopted shortly after the Second World War in 1949. Its main message was that private employment agencies should not be allowed to function and that governments should retain all responsibility for the activities of the private employment agencies, which then existed mainly to provide services for matching offers of and applications for employment, without being employers themselves.

The development of the labour market since then has progressively outdated Convention No. 96, as these employment agencies have grown considerably both in number and in the scope of their activities. In particular, temporary work agencies have grown in importance and number.

The 1994 International Labour Conference discussed this development and considered the position that should be given to the private employment agencies. The Conference concluded — as expected — that the International Labour Organization should proceed to revise Convention No. 96 and that the revised standard should pursue a number of objectives. The Reporter has already mentioned in detail the conclusions of the 1994 Conference and I shall therefore not repeat them. I shall, however, add that the Conference also held the view that private employment agencies can play a very positive role in the functioning of the labour market and went to some lengths in describing the possible positive effects of these agencies.

It is on this basis and with that spirit behind it that the Employers have worked in the present Committee to create a new instrument to replace Convention No. 96.

What has the Committee achieved?

First, on the proposed Convention, I want to say at this point already that I believe that the proposed new Convention on private employment agencies, is regarded by the Employers' group as a good instrument which governments should be in a position to ratify. I will add that Conventions that governments can ratify are what the ILO needs.

There are three main reasons for this position. First of all, already in the Preamble, the proposed Convention underlines the importance of flexibility in the functioning of labour markets — of central importance in the report of the 1994 Conference — and a recognition of the role which private employment agencies can play in a well-functioning labour market.

Secondly, the new Convention not only replaces Convention No. 96, it also extends its scope very considerably, including in its definition of actors the temporary work agencies as well as the other activities undertaken by private employment agencies. It effectively does away with the monopoly philosophy so prevalent in Convention No. 96 by stating in Article 2, paragraph 3: "One purpose of this Convention is to allow the operations of private employment agencies".

Thirdly, and of equal importance, the paragraph just quoted continues with the words "as well as the protection of workers using their services".

Protection of workers is not a part of old Convention No. 96. The Employers recognize that, as the monopoly of the State is abandoned, a large part of the Convention should be concerned with protecting workers' rights in an appropriate manner, in order to balance the liberalization of the activities allowed to the private employment agencies. We believe that in the proposed Convention such a balance has been achieved.

Finally, but not less importantly, and also in the spirit of the conclusions of the 1994 Conference, governments have been given the wide freedoms necessary to apply the Articles of the Convention in their own national contexts.

Thus, as I mentioned a while ago, the Employers support this new Convention and feel that is it perfectly amenable to ratification. At the end of the Committee's work, we were happy to hear that many governments indicated that they would in fact be in a position to ratify this instrument. We sincerely hope, therefore, that in the near future Convention No. 96 will disappear and become history, where it belongs.

As to the proposed Recommendation, the Employers are much less satisfied. Some of its provisions can be interpreted as suggesting to governments that they follow a course of stricter regulation, which is removed from the spirit of the 1994 Conference conclusions. In addition, Employers have consistently argued that the Recommendations should not be used as catch-all sacks, where one can blend all sorts of issues, but that the role of Recommendations should be to provide sensible advice to governments.

On the other hand, the Employers are aware that implicit in the word "Recommendation" is the other concept of "according to national law and practice", which allows governments freedom to implement the suggestions as they see fit.

The negative elements in Recommendations, as the Employers see them, should therefore not overshadow the positive results achieved in the proposed Convention.

Let me say a few words about how the Committee worked. The Committee dealt with a subject which was difficult both in its technical parts and the challenges presented by legal interpretations. The groundwork which had been laid by the secretariat, first in its document presented to the 1994 Conference, later in the report from that Conference and in the reports preparing this Conference, is excellent and deserves much praise.

However, in the actual proceedings of this Conference problems have arisen on a number of occasions which could have been dealt with in a better way. This is offered as a positive criticism, and I sincerely think that a prestigious organization like the ILO should accept it as a modest attempt to contribute to its further improvement. I ask the secretariat therefore to reflect on the work of this Committee, so as to be better prepared in the future for the intricacies of the proceedings and the legal interpretations, thus contributing to progress.

It would not be fair, however, if I did not underline that the work was even more difficult due to the fact that this revision of Convention No. 96 was given only a single discussion which, in the Employers' view, is insufficient for such a complex task.

These somewhat critical remarks should not reflect negatively on the fact that we have, after all, achieved — I repeat — a proposed Convention which the Employers support and which governments should be able to ratify.

Ms. O'DONOVAN *(Workers' delegate, Ireland; Worker Vice-Chairperson of the Committee on the Revision of Convention No. 96)* — The Workers' group fully endorses this report on the revision of Convention No. 96 and supports the texts of both the draft Convention on private employment agencies and its accompanying Recommendation. Indeed, we believe that these draft instruments represent another major step in standard setting in the field of recruitment and placement workers which started with the foundation of this Organization in 1919.

Some standards exist that are to be continually and universally valid, such as those standards contained in the Conventions dealing with freedom of association, collective bargaining, discrimination, forced and child labour. Other standards are more contingent on particular historical, institutional and economic realities. Convention No. 96 on the fee-charging employment agencies is one such Convention which needed to be adapted to present-day labour market realities in order to maintain its relevance and its effectiveness.

This was recognized by the Workers' group in 1994 when it joined the consensus on the need to revise Convention No. 96. As a direct follow-up on this consensus, these two new draft instruments have been prepared which we believe respond to the new economic and social realities and should bring greater certainty and stability and greater efficiency to the labour market.

In the Workers' group we recognize that the world of labour and thus the world with which the ILO must deal, has changed dramatically since 1949, when Convention No. 96 was adopted. These changes stem partly from a prolonged period of slow economic and employment growth, particularly over the last two decades. However, they also result from rapid technological change, significant demographic changes, the expansion of the services sector in industrialized countries and the continued growth of the informal sector in developing and transitional countries. In virtually all industrialized countries there has been an explosion of non-traditional forms of employment, including part-time, casual, contract labour, temporary work, home work and tele-working. There have also been more favourable trends, such as the increased participation of women in the labour force and the emphasis placed on numerical and functional flexibility in all labour markets.

In many quarters the ILO has been criticized for failing to reflect and adapt to these changes. Without doubt this criticism has been warranted at times. Today, however, the Conference has before it two new instruments which address and respond in a realistic way to certain components of these labour market changes.

The new aspect dealt with in this draft Recommendation and Convention is employment through temporary work agencies. As Mr. Magnussen has pointed out, this is a booming business which enjoys profits that run into many millions of dollars. Indeed, as a direct result of the revision of Convention No. 96 these temporary work agencies will now be able to expand into many countries where their activities were previously prohibited or severely curtailed.

If this expansion of temporary work agencies creates additional quality jobs and gives rise to greater labour market efficiency and transparency, it will be a welcome development. However, we all know that temporary jobs are not usually high-quality jobs and that far too often they are used to undermine the wages and conditions of workers in regular, full-time employment, or indeed to undermine trade union organizations. Therefore, the difficult task which we faced on this Committee in preparing these new instruments was to find the correct balance between facilitating a greater role for private employment agencies in the labour market while ensuring that temporary workers received adequate protection and that the stability of the broader industrial relations system was maintained.

I think that it is important that we place our discussion about these two new instruments within the broader framework of ILO trends in recent years. This is not the first year that the ILO has attempted to grapple with the complexities of the modern labour market. In the last few years the ILO has also adopted Conventions on part-time work and home work. Moreover, as everyone is well aware, we have at this Conference reached the mid-point in the development of a new Convention on contract labour.

These are all issues that some have argued were premature for consideration, or too complex to be covered by a Convention. Yet, if we examine in detail the provisions of all these new instruments, it is evident that they have one central theme. All of them set out to establish a very basic level of protection for employees in these various forms of precarious employment.

As the Workers' group examines these draft instruments, we believe that there are three dimensions to them. They set minimum standards of protection, minimum standards for cooperation and minimum standards for promotion in relation to the activities of private employment agencies. The Convention offers protection to workers and jobseekers who are often victims of unscrupulous private employment agencies. It indicates what must be done and what must not be done in this connection. It aims to prevent abuses against migrant workers. Article 5 of the draft Convention provides for equality of opportunity and treatment in access to employment and to particular occupations. Article 6 provides for the protection of personal data held by private employment agencies on workers and jobseekers.

The Convention calls on member States which ratify it to ensure adequate protection for the workers employed by temporary work agencies in relation to freedom of association, collective bargaining, minimum wages, working time and other working conditions. It provides also for the allocation of the respective responsibilities of temporary work agencies and the user enterprises in relation to those terms and conditions of employment. It sends a very clear signal to private employment agencies that they should neither use nor supply child labour.

This is also a standard which promotes cooperation because it draws up the parameters for cooperation between the public employment service and private employment agencies. It defines the relations, interactions and joint decision-making of the main actors in the labour market policy area. Most important amongst these are workers' and employers' organizations and the governments.

Article 3 of the Convention confers the responsibility on governments to determine the conditions governing the operation of private employment agencies in accordance with a system of licensing, certification or other form of regulation if they are not otherwise adequately regulated by the legal system.

As a standard of promotion, this Convention promotes good and fair practices by private employment agencies. It promotes effective consultation between the public authorities and employers' and workers' organizations.

Finally, I would like to highlight the spirit of tripartism which prevailed throughout our deliberations. This atmosphere was created largely by Mr. Ramond, our Chairperson, who left no stone unturned to seek consensus on the most difficult issues involved. We thank him for having successfully steered the work of the Committee in the right direction. I wish also to extend my thanks to Mr. Magnussen, the Employer Vice-Chairperson, and the whole Employers' group for their cooperation and cautious, but determined, defence of their interests in the Committee.

My thanks go also to the governments whose interventions were often decisive in breaking a deadlock in our discussion. I would, of course, also like to thank the secretariat for its usual and quiet efficiency and our Reporter, Ms. Maesela, for her excellent work.

In conclusion, I have no hesitation in commending to you the adoption of this report and of both the draft Convention and the draft Recommendation in the vote which will take place tomorrow.

Original French: Mr. RAMOND *(Government adviser, France; Chairperson of the Committee on the Revision of Convention No. 96)* — First of all, I would like to tell you what I believe are the characteristics of this revised Convention; and then I will tell you why I feel that all governments should be able to ratify this Convention.

First of all, what are the characteristics of the Convention? I believe them to be threefold. In the first place, it is a modern legal instrument, covering a sector which has developed at an exponential rate of growth in varied forms. In 1994 temporary work agencies alone had a turnover of $80 billion, of which $20 billion was in the United States, where in 20 years the turnover has multiplied by 30. Hundreds of thousands of workers are employed by such agencies throughout the world. It is therefore legitimate for the ILO to take into account these developments in labour relations and seek to ensure the best possible protection for the workers involved.

The second characteristic is that this is a balanced instrument. Private agencies find their legitimacy; workers get protection. This balance was not brought about without debate, conflict and tension, all of which as our work has proceeded, revealed a need for compromise, so as to reach a consensus born not of resignation but of a proper appreciation of the legitimate interests of each party.

The third characteristic is that it is an ambitious instrument, because it takes into account the diversity of situations without sacrificing anything vital. It fits in perfectly with the Director-General's thinking about our standard-setting system. In this respect, it illustrates the importance of the very idea of revision, which does not consist merely of cutting off dead wood but of bringing new blood to give new life to the standard-setting system.

The Director-General's Report talks of absolute respect of fundamental standards, and this was one of the major concerns of our Committee. The Convention is absolutely faithful to the principles of freedom of association and non-discrimination. I think that we need to keep this in mind whenever we are working on Conventions, if only to be consistent with our Organization's priority concern with promoting the fundamental rights of workers, as emphasized in the Report of our Director-General. The ILO's services should also remember this in the assistance they provide to the committees.

Modern, balanced and ambitious, this Convention has to be ratified, and I urge all governments to do so. However, I can already see three kinds of problems that they will need to overcome.

First of all, certain countries, including one with which I am extremely familiar, have had legislative provisions piled one on top of the other over the last four or five years. Though practice is very close to what the Convention advocates, some of the laws and regulations that are still in force are going to have to be revised. But very often they have a strong symbolic value. This is a problem which will need to be overcome, because nostalgia is not a good principle of government.

Other countries have well established industrial relations between powerful, loyal and responsible social partners. They may feel that they do not need revised Convention No. 96 and can carry on as before on the basis of their traditions and interests. I would remind you that Article 11 of the Convention gives as much weight to collective agreements as it does to national legislation. Moreover, these countries, which consider themselves to be exemplary, need to be exemplary also from the point of view of international law. They need to set an example of speedy ratification, which would have the effect of encouraging others.

In a third group of countries there are clear cases of gross abuse. There, ratification would give a solid legal basis for ILO support, whereas non-ratification might give rise to the suspicion that they lack the will to eliminate these abuses.

I am confident in the future of this Convention. Of course I am not its owner, as someone suggested, nor its father, but I do find that our baby is very promising. It is the product of the intense and constructive work of our Reporter, who brilliantly introduced the Convention and told us what is at stake, and of the two Vice-Chairpersons, who represented their groups magnificently and contributed both in the plenary and the group meetings to a thorough examination of these legal instruments. Each of them has displayed great competence and great enthusiasm. I think that their enthusiasm has been felt by everyone; they did not only represent the interests of a particular party but strove to bring about a consensual instrument which was a reflection of the general interest. It is because of this enthusiasm that we have been able to come up with positive compromises.

My dear colleagues from the Government group were of course of great assistance particularly for the governments with problems. These governments told us clearly what their problems were, explaining patiently in certain areas (I am thinking about age, about handicaps) that the Convention needed flexibility, and we took this into account. I think that the instrument before you for adoption tomorrow, is all the better because the governments, particularly those with problems, have given us clearly to understand what their problems are and have obliged us to come up with solutions to these problems.

I would not want to forget to thank my two neighbours, Hedra Sarfati and Jean Courdouan, whom I have known for a long time and whom I respect for their professional skills. I think that the trouble I caused them by losing my papers and not always listening to their advice and hard work that we all did make it possible for me now — if they will allow it — to think of them as friends. And I would like to thank all of the colleagues who have shown the right spirit of impartiality and who have always made themselves available. When you have spent a night or a large part of the night working for a committee, it is very much to your credit to be able to greet the members of the committee with a smile, as if you have had a good night's sleep. I am very grateful to them for their smiling availability.

Our Legal Adviser was of course vital, because whenever we were on the verge of coming up with an agreement on policy it still had to be brought into line with the provisions of our Constitution. He was always there with his legal strictness and his political flexibility, so that problems which I myself felt to be insurmountable were, in fact, overcome.

Finally, I have to thank the interpreters who have saved me from my linguistic isolation. The only thing that I regret, as I already said in our Committee, is that we cannot see them. I think that their interpretation was done with such subtlety that they also contributed to the smooth running of our Committee.

I think that the Conference is going to adopt the revised Convention and the Recommendation tomorrow. I trust that this will be a unanimous vote, and I hope that you will all act as spokespersons with your governments to help bring about speedy ratification.

The PRESIDENT — Thank you, Mr. Ramond, for your excellent statement and for the excellent job you have done together with your colleagues on the Committee.

Now I open the general discussion on the report of the Committee on Convention No. 96.

Mr. KRUSE *(Government adviser, Sweden)* — Convention No. 96 as it stands was adopted in 1949, but it is born of the realities of the early twentieth century. It reflects the concerns of workers, employers and governments faced with rapidly changing labour markets in many countries in the beginning of this century.

Sweden was for a very long time one of the strongest guardians of the principles behind the Convention, i.e. the promotion of a free public employment service and the abolition of private employment agencies in order to avoid the exploitation of workers and jobseekers. But over time realities and values change. My country, which has a very strong public employment service, denounced the Convention in 1992. We did so because we found that private employment agencies also have an important role to play in the development of a well-functioning labour market in our country.

We therefore welcomed the decision of the ILO to start a process aiming at a possible revision of the Convention when we joined the general discussion on this item in 1994. The end in view was a revised Convention of a modern kind, strong enough to establish good protection for the workers concerned against abuses, but which could also suit the needs of businesses and suit the different labour market environments in the various parts of the world.

My delegation is pleased with the outcome of this process and the results now achieved in the Committee on the revision of Convention No. 96. We feel that the new draft Convention is flexible enough to suit various national conditions. We also feel that it establishes good and necessary safeguards for workers seeking employment or employed by temporary work agencies or similar undertakings. We think that it also ought to satisfy the needs of business, because it recognizes that there is a space for private enterprise in the pursuit of a well-functioning labour market; it recognizes the existence of temporary work agencies as well, and seeks to promote good and fair business practices.

The end result is a labour standard from which all parties concerned could gain, a win-win Convention. I think this is true also for the Recommendation. These instruments therefore are good examples of how ILO standards can be drafted to suit the need of the twenty-first century. They prove that the ILO — that is, the social partners and governments together — is able to adapt to the needs of a changing world and set new and modern labour standards. The tool is hard tripartite work. To me it is obvious that this hard tripartite work in our Committee, and the honest will to listen to each others arguments and to understand the interests and concerns of others, have created the environment, creativity and search for consensus which has made this new Convention possible.

I am gratified to have been allowed to take part in the long process of revising Convention No. 96. I join the proposers that these instruments be adopted by the Conference and I am proud to take this Convention home to my authorities and advise them to take the necessary steps to have it ratified by Sweden.

Mr. STEYNE *(Workers' adviser, United Kingdom)* — On behalf of the Trades Union Congress which represents 7 million trade unionists in Great Britain, I should like to make a few observations on the newly revised Convention and the Recommendation on private employment agencies, and on the work of our technical committee.

First, we have produced a very straightforward instrument. It is simple and relevant, it embodies the flexibility needed to be widely applicable, and it is therefore extremely ratifiable.

Our work was informed by the general discussion at the 1994 Conference. It was also informed of course by the often harrowing experiences of working people around the world: migrant workers who are tricked into paying large sums of money in advance to private agencies for jobs abroad, only to find that their placement fees and travel costs have led them into virtual debt bondage, or that there is no job at all; workers who find that both the private agency and the user enterprise deny responsibility for paying wages; or workers who are used as cheap, transient labour precisely to undercut existing collectively agreed wage levels, used therefore by some unscrupulous employers to put further pressure on the downward spiral of wages and conditions.

The instruments deal with these matters. The revised Convention has a main and simple purpose, to ensure that workers placed or employed by private employment agencies enjoy those key rights in employment proclaimed in the fundamental human rights Conventions of the ILO, rights to freedom of association and collective bargaining, the right to be employed and work without discrimination — basic human rights in employment which should be enjoyed by all working people, whether in typical or atypical employment relationships.

That has been a main aim of our work in the Conference in recent years. In dealing with the need to protect part-time workers, homeworkers, workers placed or employed by private employment agencies, and now of course contract labour too, we are seeking to make explicit that those basic minimum standards should apply to all workers. In that sense we are not breaking new judicial ground. We are seeking to ensure that the ILO fulfils its core mandate, the protection of working people, through its core means of action, international labour standards, at a time when a globalized and increasingly deregulated and casualized labour market poses real threats to the livelihoods, security and dignity of working people. What is new is our sense of urgency of the need to guarantee to the many millions of workers on the edges of the labour market — an edge which represents an ever-growing sector — equal access to those key rights at work.

That is the key. This new Convention confers upon workers placed or employed by private employment agencies equal rights to freedom of association and collective bargaining. No more, no less. Our one regret in the final draft of the instrument, is, therefore, that the provision regarding strikebreaking appears in the Recommendation and not in the Convention. For it is certainly true that replacement of strikers is a clear threat to freedom of association. No worker can enjoy a genuine right to strike or to bargain collectively if private employment agencies are permitted to supply strikebreakers. I would therefore remind all governments of their existing obligations under Conventions Nos. 87 and 98.

My organization, the Trades Union Congress, has always favoured public provision of employment services over private agencies. But we recognize, as did the 1994 Conference, that private agencies exist. In some countries they have gained considerable ground — in some cases they may even be the largest single employer in the private sector. Very few, if any, of the governments of those countries will wish to abolish them. Those private agencies need to be permitted to function, but only within the clear parameters of this Convention which can protect working people and prevent abuse.

But this Convention poses no threat whatsoever to those member States which have a purely public employment service, and wish to maintain a purely public employment service. If your government has ratified the original Convention No. 96 and wishes to maintain its obligations under that Convention, it can do so. Nothing in this revision threatens your right to continue to uphold Convention No. 96. To those governments, I say simply: please be clear today. You can, and indeed should, vote tomorrow for the adoption of this revised Convention. It does not threaten your own continued attachment to Convention No. 96. But please do not deny, to those of us who work in countries where private employment agencies do operate, this means of regulating their activities through an international labour standard. Only by adopting this Convention tomorrow will you allow those member States the possibility of ratifying it in the future.

Finally, I should like to thank my colleagues in the Committee, Ms. Maesela, our excellent Reporter — I have to say that it is of some considerable satisfaction to us that the new South Africa has provided two of the three Reporters of this year's technical committees — Mr. Ramond, our congenial and flexible Chairperson, Mr. Magnusson, for his pragmatic approach, the secretariat, both of the Committee and of the Workers' group, the interpreters who had to deal with a very technical debate, and above all, Sister O'Donovan for her magnificent chairing of the Workers' group.

I commend the report to Conference and urge all delegates to vote tomorrow for the adoption of the new instruments.

The PRESIDENT — Let us now move to the adoption of the body of the report, paragraphs 1 to 543.

May I take it that paragraphs 1 to 543 of the report are adopted.

(The report is adopted — paragraphs 1 to 543.)

PROPOSED CONVENTION CONCERNING PRIVATE EMPLOYMENT AGENCIES: ADOPTION

The PRESIDENT — We shall now proceed to the adoption of the proposed Convention concerning private employment agencies.

May I take it that the proposed Convention, as a whole, is adopted?

(The proposed Convention, as a whole, is adopted.)

PROPOSED RECOMMENDATION CONCERNING PRIVATE EMPLOYMENT AGENCIES: ADOPTION

The PRESIDENT — We now proceed to the adoption of the proposed Recommendation concerning private employment agencies.

May I take it that the proposed Recommendation, as a whole, is adopted?

(The proposed Recommendation, as a whole, is adopted.)

In accordance with paragraph 7 of article 40 of the Conference Standing Orders, the provisions of this Convention and Recommendation will be submitted to the Conference Drafting Committee for the preparation of the final text.

We have now concluded our consideration of the report as well as the proposed Convention and Recommendation submitted to us by the Committee on the Revision of Convention No. 96. I wish to thank all the Officers and members of the Committee as well as the staff of the secretariat for the excellent work that they have done.

REPORT OF THE COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES: SUBMISSION, DISCUSSION AND ADOPTION.

The PRESIDENT — We will now proceed with the next item on our agenda this morning, which is the consideration and adoption of the report of the Committee on Job Creation in Small and Medium-sized Enterprises, which you will find in *Provisional Record* No. 17.

I give the floor to Mr. Bryant, Government adviser, Canada, to submit the report on behalf of Mr. Ott, Reporter of the Committee.

Mr. BRYANT *(Government adviser, Canada; Acting Reporter of the Committee on Job Creation in Small and Medium-sized Enterprises)* — I have the honour to present to you the report of the Committee on Job Creation in Small and Medium-sized Enterprises. The report including the conclusions of the Committee, is before you in *Provisional Record* No. 17.

The Governing Body of the International Labour Organization decided in March 1995 at its 262nd Session, to place an item on general conditions to stimulate job creation in small and medium-sized enterprises on the agenda of the 85th and 86th Sessions of the International Labour Conference, with a view to adopting a Recommendation on that subject. The Committee had before it Conference reports V(1) and V(2). These reports formed the basis of discussions in the Committee. The Office reports were appreciated as a helpful analysis of the issues surrounding the subject of job creation in small and medium-sized enterprises. They greatly facilitated the discussions of the Committee. In our work and in our report, the Committee acknowledges the growing importance of the small and medium-sized enterprise sector in a number of respects. In addition to the fundamental role SMEs play in employment generation, they are also effective in mobilizing domestic, human, financial and material resources. They often strengthen linkages with other sectors in the economy, thus leading to a more flexible and diversified economic base. This in turn spreads opportunity, knowledge and skills more widely in the community.

The Committee also recognizes that SMEs provide the potential for women and other traditionally disadvantaged groups to gain improved access to productive, sustainable and quality employment opportunities. We also recognize that the proposed instruments should promote respect for core Conventions of the ILO related to freedom of association, collective bargaining, the right to organize, forced labour and discrimination, in order to enhance the creation of quality employment in small and medium-sized enterprises.

Members of the Committee identified opportunities of assisting in the important work of elimination of child labour. Committee discussions identified the importance of concerted tripartite action at several levels as fundamental to the promotion of quality job creation in the small and medium-sized enterprise sector. In terms of overall policy and legal framework, issues of stability and review from an SME perspective were highlighted, as was the development of an enterprise culture favouring initiative and enterprise creation, productivity, environmental consciousness, good labour and industrial relations and equitable social practices.

A set of guidelines emerged with regard to the development of an effective SME service infrastructure. Specific roles for employers' and workers' organizations were identified, as were a range of suggestions for international cooperation in the subject.

I am pleased to note that the conclusions proposed by the Committee are both comprehensive and future-oriented.

We have made a good start on the development of a Recommendation which will provide valuable guidance to all Members. The Committee's work was generally characterized by a good spirit of cooperation among Government, Worker and Employer members and we were well supported by the staff.

In conclusion, I recommend to you for adoption the document submitted by the Committee on Job Creation in Small and Medium-sized Enterprises.

Mr. JEETUN *(Employers' delegate, Mauritius; Employer Vice-Chairperson of the Committee on Job Creation in Small and Medium-sized Enterprises)* — As the Employers' spokesperson, it is a great pleasure for me to support the adoption of the Proposed Conclusions of the Committee on Job Creation in Small and Medium-sized Enterprises. This is a result of lengthy discussions in a spirit of understanding and constant dialogue that has taken place at the committee level. It has been an enriching experience for all of us and I would like to thank the Chairperson, Ms. Danuta Mozdzenska-Mrozek, from Poland, who ably led the discussions with a lot of patience, as well as the Workers' spokesperson, Mr. Agyei, for the cordial and professional manner in which the debate took place.

I should also thank the Office for their valuable support and assistance that helped our deliberations tremendously, not forgetting the interpreters as well for a job very well done. A word of thanks is due to my Employer colleagues for their useful contribution, guidance and unflinching support during the Committee.

Job creation is one of the top economic priorities of most countries which are plagued by high rates of unemployment. Unemployment, on the scale that it exists today in many developed and developing countries, is a cause of growing concern and apprehension among all segments of society, not only because it embodies a wealth of valuable human resources but also because of its human, social, economic and political repercussions.

In such a difficult and challenging environment, small and medium-sized enterprises appear as a silver lining on the horizon. They can be instrumental in minimizing the impact of unemployment and in cushioning the impact of recession by providing the means of livelihood for the bulk of the population in many countries.

The importance of SMEs is, today, fully recognized in terms of their contribution to employment, gross domestic product and exports.

It is not a coincidence that the International Labour Conference is discussing this topical issue of job creation in SMEs. In doing so, the ILO is in the forefront of action to combat unemployment. It is a highly respected international body and its present deliberations cannot but have a positive impact on the ILO itself. It is concerned with the serious problem of unemployment, it is concerned with the creation of jobs, it is concerned with devising a good and flexible instrument that should be a landmark for all countries to stimulate job creation.

SMEs can create productive jobs, especially in the private sector, without being a burden on the state finances. SMEs have, in fact, created jobs in many countries; and those countries that have been successful in promoting SMEs have reaped the benefits that accrue in terms of enhanced economic growth, higher per capita income, better standards of living, improved health and education opportunities.

SMEs are thus playing a crucial economic and social role. In order to do so SMEs have to be competitive, particularly in the era of globalization. As the report prepared by the Office states "the objective for SMEs is to remain flexible and competitive by upgrading quality and productivity". This is the crux of the problem; the flexibility, competitiveness, quality and productivity are all important determinants of their success and it is our duty to ensure, in an instrument, that we promote these four determinants.

The SMEs can deliver the goods provided the environment is conducive to the growth of enterprises. All enterprises — small, medium, large — form a continuum and coexist. All of them belong to the same family and stand on the basic foundation of private enterprise, the main characteristics of which are risk-taking, initiative, entrepreneurship, innovation, etc.

We therefore lay particular emphasis on a flexible framework that will promote, rather than stifle, SMEs. There is a need for an enabling environment, some of the ingredients of which may be listed, such as: political stability, good governance, acceptance of the concept of mixed economy and market mechanism, effective and consistent policies — fiscal, monetary, trade, wage, etc. — appropriate investment incentives, rationalization of government regulations and elimination of bureaucracy, investment in infrastructure and investment in human capital.

We have in front of us the Proposed Conclusions that will no doubt help create this enabling environment and promote an enterprise culture. These Conclusions also recognize the role of government, of the social partners and international organizations. The Conclusions embody an element of flexibility essential for SMEs to operate and create jobs.

As I mentioned in my opening remarks to the Committee, the Managing Director of the prestigious World Economic Forum said at the ILO Enterprise Forum last year: "In the old economy it was the big fish which was eating the small fish. This is, today, irrelevant. Today, it is the fast fish which eats the slow fish. It is not any more a question of size. It is a question of flexibility and speed."

The government plays the leading role and it should continue to play a leading role to create a business-friendly environment and to encourage the spirit of entrepreneurship and enterprise culture. The social partners, on their part, can also offer assistance and support for the development of SMEs. The international organizations, like the ILO, can also offer technical assistance and expertise, particularly in the field of training and productivity improvement so that SMEs can flourish. Productivity and quality can be enhanced through training.

The ILO itself has spearheaded many projects and programmes in this respect, and it can contribute significantly to these objectives since it has a high degree of expertise and a strong comparative advantage in this field. The assistance and involvement of the ILO in the promotion of small and medium-sized enterprises is well known, and in these Proposed Conclusions I think that we take cognizance of the role that has been played, not only by the ILO here, but also by the Turin Centre in Italy.

The ILO has a wider role to play as well. The ILO will have the duty and responsibility to propagate the instrument, when it is adopted, to all parts of the world.

We of the Employers' group fully endorse the proposed conclusions and we look forward to similar fruitful discussions next year.

Shakespeare says that men sometimes are masters of their fate. We, today, have an opportunity to shape our destiny by working together in a true tripartite spirit. All of us can act in unity to promote productive job creation by SMEs which will be beneficial, not only to the social partners, not only to the governments in our respective countries, but to the entire population in the world at large.

Mr. APPIAH AGYEI *(Workers' delegate, Ghana; Worker Vice-Chairperson of the Committee on Job Creation in Small and Medium-sized Enterprises)* — On behalf of the Workers' group, it gives me great pleasure to speak in this session and to recommend to you the endorsement of the Conclusions of our Committee on general conditions to stimulate job creation in small and medium-sized enterprises.

The Workers' group supports the preparation of a Recommendation on this subject for adoption by the Conference next year. SMEs are responsible for most of the job creation throughout the world; they provide the potential for women and other traditionally disadvantaged groups to gain access to productive, sustainable and quality employment opportunities.

At the same time, the concern of the Workers' group in this area has been that SMEs are also characterized by much worse terms and conditions of employment, lower social protection, reduced trade union representation, and worse working conditions. The rate of occupational accidents is considerably higher in the SME sector, which is a source of particular concern. Child labour, too, is a problem which is essentially confined to the SME sector.

For these reasons, we would draw your attention to the emphasis placed by this draft Recommendation on respect for the core Conventions of the ILO, and on the importance of the Occupational Safety and Health Convention, 1981 (No. 155). In this regard, the draft Recommendation emphasizes the need for measures and enforcement mechanisms to safeguard the interests of workers in SMEs, in accordance with the basic protection under other relevant instruments. It speaks of the need for policies which ensure the equal application of labour legislation, in order to raise the quality of employment in SMEs. It calls for the observance by SMEs of international labour standards related to child labour, and it recommends specific measures for assisting and upgrading the informal sector to become part of the organized sector.

With regard to these problems, the draft instrument calls for the extension of social protection to workers in SMEs. It states that Members should ensure compliance by SMEs with social security regulations. In order to develop an effective SME infrastructure, the Conclusions recommend assistance and services in respect of workers' rights and gender equality. They specifically mention the need to help disadvantaged categories such as women, the long-term unemployed, young persons, the disabled, and persons affected by structural adjustment. They promote, economically and socially, progressive restructuring, and they call for the full respect of freedom of association.

At this juncture I would like to pay tribute to our distinguished Chairperson for her patience and forbearance in enabling us to accomplish our task. I also would like to express the appreciation of the Workers' group for the patience, cooperation and understanding of my colleague, the Employers' spokesperson, who enabled us to come this far.

I would like to express our appreciation and thanks to our Legal Adviser, whose advice made it possible for us to come out of the legal problems that confronted us at certain stages of our work. I would also like to commend all the members of the Committee for their discipline and understanding. The support that we received from the Officers, the Office and the Enterprise and Cooperative Development Department, too, enabled us to resolve all the difficulties that faced us, and made it possible for us to accomplish our task.

The Workers' group therefore considers that the ILO is now well on the way to achieving a balanced Recommendation which can, at the same time, achieve an increase in the quality, as well as the quantity, of job creation in small and medium-sized enterprises.

Therefore, with these words I would like to recommend these Conclusions to the Conference for adoption.

Ms. MOZDZENSKA-MROZEK *(Government adviser, Poland; Chairperson of the Committee on Job Creation in Small and Medium-sized Enterprises)* — During this 85th Session we initiated the debate on small and medium-sized enterprises. The task of the Committee was to develop an international instrument to stimulate the job creation process in small and medium-sized enterprises.

In view of the prevailing stagnant level of wage employment usual in all parts of the world, the topic under discussion has been of central importance for ILO Member countries.

It appears in the last 15 years or so that small businesses are increasingly becoming an alternative to wage employment and a significant means of combating unemployment. There is no doubt any longer that sustainable and equitable economic growth cannot be achieved without a contribution by the SMEs. They, in fact, account for the vast majority of existing, and particularly new, jobs in both OECD and developing countries. The small and medium-sized enterprises sector is growing strongly, especially in transition economy countries, as in my country, Poland, where large-scale restructuring, privatization and free market principles are of relatively recent origin. During the past few years we have learned how difficult it is to transform large state enterprises into smaller, efficient units. We have experienced high and social costs, especially accelerating unemployment. We also have learned the hard way that deregulating the market is not enough to guarantee prosperity.

The discussion in the Committee has shown that all countries are facing difficulties of their own in job creation, in securing decent working conditions, and especially in combating unemployment. In the international context a coherent proactive, even visionary, policy is needed in order to benefit from the process of globalization. Close cooperation between the social partners is absolutely essential if we would like to ensure a coherent economic and social policy. An effective service delivery system and a regulatory environment that combines economic efficiency and job creation must go hand in hand with adequate social standards, working conditions and social protection.

The Office's report, widely recognized as being of excellent quality, was an important guide and fruitful reference for the Committee. As a result of the efforts of the Committee and its Working Party, we are now in a position to present to you a report which contains a number of Conclusions reflecting the common ground of the debate.

I note with satisfaction that the report and the Conclusions reflect the forward-looking, constructive quality of the discussion which took place within the Committee. I believe that it augers well for the finalization, in the course of next year's deliberations, of a possible Recommendation which can provide valuable and lasting guidance to Members in their efforts to address employment challenges through the creation of conditions to generate substantial numbers of quality jobs in SMEs.

The fact that the work of the Committee progressed in a satisfactory manner was of course due to the high spirit of cooperation displayed by all concerned parties. I would like to address my most sincere thanks to all who have contributed to the success of the Committee's work. I would like in particular to thank the two Vice-Chairpersons, Mr. Jeetun for the Employers' group and Mr. Appiah Agyei for the Workers' group, who both greatly assisted me and provided appropriate guidance to the Committee, maintaining the high level of the debate.

It is to a great extent to Mr. Jan Ott from the Netherlands that we owe the adoption in a very short period of time of the report, which is rich in ideas and suggestions and which will certainly be extremely useful to future discussions of the subject.

I would like also to express my sincere thanks to the Government representatives, in particular, Mr. Chris Bryant from Canada who coordinated the work of the Working Party.

Finally, I would like to thank Mr. Masaru Ishida, the Director-General's representative, and the staff of the Enterprise and Cooperative Development Department for having prepared highly professional documentation and for providing excellent secretariat, legal and translation services for the Committee.

Since the contents of the documents adopted by the Committee has already been summarized by the Reporter and the two Vice- Chairpersons of the Committee, I would like to conclude by recommending to you for adoption the documents submitted by the Committee on Job Creation in Small and Medium-sized Enterprises.

The PRESIDENT — The floor is now open for discussion.

Mr. ANAND *(Employers' adviser, India)* — To give shoulder to a good cause, particularly when it serves a public purpose, is a bounden duty of all human beings. They owe it to society. It is in this context that I stand here to support the extremely useful and highly purposeful document introduced by my friends and commended by the venerable lady from Poland, Ms. Mrozek, and highly recommended by Mr. Jeetun and Mr. Appiah Agyei. I have closely watched them working together, which has been an index of a cooperative spirit, in fact fresh air, in distinction from that of confrontation which is generally noted otherwise in discussions, bipartite or tripartite. My congratulations to them for the spirit in which they have concluded their labours and produced a joint charter of demands by the social partners. This has been equally due to the constructive approach and positive minds of the officials assisting in this Committee. Since the governments have been a party spontaneously, one may hope for their wholesome resources allocation and adequate action programme at a rapid pace for implementation by all concerned.

Being one who has worked very closely in 1986 with Mr. Santos Neves who piloted the Employers' viewpoint in the landmark resolution mentioned in the documents, I feel gratified that after all the Copenhagen Summit has moved the ILO towards further action. Even though the ILO has been concerned with world employment issues since 1975 and has taken some measures here and there, it has awakened only recently to the issue of action programmes in training and SME development, including entrepreneurship, self- employment and enterprise consolidation.

Nevertheless, it has yet a long way to go to carry conviction that it can be an effective instrument in the alleviation and eradication of poverty through employment generation on a sustainable basis in desirable directions. This document is only a starting point and not a termination point of the long journey in this behalf, as rightly stressed by my colleague the United States Government delegate at the meeting.

Though the document clearly demarcates roles and spells out areas and issues, it would need to be followed up for categorization of points of programme of advanced action, be these concerned with technical, physical or social infrastructure or with the establishment of industrial estates, by the examination of pollution and environment-linked issues. State-owned big enterprises have been in my own country a foundation to tertiary, component, resourcer and supplier or service-giving SMEs, and continued emphasis on their reform, efficiency and productivity cannot be over-stressed. Cost of regulatory administration per worker or per unit cost of production in SMEs is a matter of concern for administrations as its burden will inevitably throttle SMEs capacity in a competitive environment. Emphasis on social justice and adequate protection for workers, though rightly placed in concept, has to follow and not precede the establishment of viable unit SMEs. Imposition of preconditions and advance action can be counter-productive in employment generation, in particular where the entrepreneur is first generation and provides core capital through the sale of family belongings to attract further institutional finance. Our Worker colleagues, well meaning as they generally are, have to be frank and firm so that the hen which lays the golden egg is not prematurely killed or obliged to fade away.

My concerns, which arise from ground-level experience of SMEs' industrial development over half a century, prompt me also to stress the need for constant follow-up review, within the ILO's relevant technical cooperation committees and other departments, which need budgetary support. MDTs will have to recast their country objectives, and the specialists in employment will have to reorient their outlook so as to promote action programmes at the ground level, local administrative level or social-partner level. These action programmes must be adapted to specific areas or regions in each country, in order to carry out the objectives of the current exercise. They have to move out of the world of trends and abstract statistics.

It should not be forgotten that any SME is as much an enterprise as any MNE or large multi-purpose undertaking. Therefore, the concept of enterprise being the core factor needs to be imbibed by all stakeholders. If an enterprise is viable, buoyant and prosperous, all stakeholders gain. In its initial stages it has to be dealt with on the dictum of "nurse the baby, protect the child and free the adult". Patience, perseverance and tenacity therefore are hallmark prerequisites for all the actors involved in it. Flexibility and personal factors, and not rigidity or indifference, pay dividends in industrial relations matters. Likewise, a jargon-oriented, traditional trade union approach often frightens small entrepreneurs and therefore can be self-defeating. I hope the spirit reflected in the deliberations of this Committee and the production of this excellent document will continue to prevail in future deliberations, so that we can carry out a common approach to enterprise development for the greater societal good. This alone will justify the involvement of the ILO. This approach alone will contribute to job creation on a sustainable basis.

I and my colleagues strongly recommend the document for unanimous acceptance.

Mr. POTTER *(Employers' delegate, United States)* — I am presenting these remarks on behalf of J.W. Kisling who was my adviser on the job creation Committee. J.W. Kisling is an owner and chairman of a small and medium-sized enterprise in the United States, who has run a successful business for over 30 years now with over 200 employees. This would not have been possible without a legal and regulatory system in the United States that allowed his company to realign and restructure itself to changing market circumstances. His concerns with the draft Recommendation on general conditions to stimulate job creation in small and medium-sized enterprises centre on the focus of sections D and G of the instrument.

Our tripartite meetings began very productively with a comprehensive agreement about the importance of SMEs in the world's job creation. Unfortunately, a significant part of our discussions generated into a discussion of how to regulate SMEs, standards for workers' benefits and protection of jobs which have yet to be created. These issues are irrelevant to the question of job-creation by SMEs and will stand in the way of creating jobs if these are the focus of countries' concern at the outset of job creation. We have put the cart before the horse, and such an approach will result in more and longer periods of unemployment.

An SME's resources to satisfy the bureaucratic requirements to comply with regulations and standards are limited. The owner-operator wears many hats. We want the SME to be focused on success. We know this from our experience in the United States. At the 1996 White House conference on small business, more than 2,000 delegates unanimously identified standards and regulations as the number one problem impeding small business growth. The United States Government has taken an aggressive approach to reducing paperwork for SMEs. The result has been the lowest United States unemployment rate in 24 years.

In drafting an instrument on job creation, we must not lose sight of the effect of trade between ILO Members. One billion dollars in exports creates 20,000 jobs.

The United States Commerce Department in their Trade Promotion Coordination Committee report last October listed international standards as the number one impediment to trade.

In conclusion, our concern is that in drafting this Recommendation we are falling into the bureaucratic trap of creating standards and regulatory burdens, as opposed to our purpose of describing the general conditions to stimulate job creation in small and medium-sized enterprises. Next year we need to revise the draft Recommendation and focus our purpose on job creation for the sake of the world's unemployed whose numbers are growing.

Original French: The CLERK OF THE CONFERENCE — I would like to draw your attention to a typographical error in the French version of the Conclusions of the Committee, on page 44 of *Provisional Record* No. 17 in French. The first words of point 10(3)(b) should read: "b) s'il conviendrait d'envisager une série de mesures ...". The rest of the text remains unchanged.

The PRESIDENT — We shall now proceed to the adoption of the report.

May I take it that the body of the report, paragraphs 1 to 233, is adopted?

(The report is adopted — paragraphs 1 to 233.)

May I also take it that the proposed Conclusions are adopted?

(The proposed Conclusions are adopted.)

We shall now proceed to the adoption of the draft resolution to place on the agenda of the next ordinary session of the Conference, an item entitled "General conditions to stimulate job creation in small and medium-sized enterprises". May I take it that the Conference adopts the resolution?

(The resolution is adopted.)

We have thus completed our consideration of the report, the Proposed Conclusions and the resolution submitted by the Committee on Job Creation in Small and Medium-Sized Enterprises. I wish to thank the Chairperson and the Vice-Chairpersons, the Reporter and the other members of the Committee, as well as the secretariat staff, for the excellent work they have done.

REPLY BY THE DIRECTOR-GENERAL TO THE DISCUSSION OF HIS REPORT

The PRESIDENT — And now I have the honour to invite Mr. Michel Hansenne, Secretary-General of the Conference and Director-General of the International Labour Office, to reply to the general discussion of his Report.

Original French: The DIRECTOR-GENERAL — Permit me, first of all, to congratulate your assembly on having adopted yesterday — unanimously, save for two abstentions — the budget proposals for 1998-99. You will understand also if I am somewhat less happy that the budget is for some US$481 million, 5.6 per cent less in real terms than the current budget. Through these past years we have been able to absorb the reduction in resources by increasing productivity and streamlining our services in Geneva, you must realize that any further cuts in the future are bound to mean a reduction in the technical assistance and services provided to our constituents in the field, at a time when their needs are growing. The Programme, Financial and Administrative Committee and the Governing Body itself will surely take this into account when they start discussing the next budgetary exercise in a few months' time.

In my reply to the discussion on my 1994 Report dealing with social justice in a global economy, I recalled that we had started on a job which would occupy us for a long time, but that it was up to us and to us alone to be the architects and builders of our future. My Report this year, dealing with standard setting in the ILO, is to my mind a major step in this job of preparing the ILO for the twenty-first century. Thanks to you we have made progress along this path, and I would like to thank the 314 speakers who participated in 11 plenary sessions, particularly the 117 ministers who expressed their views on the Report.

I think that the first result of our debate has been to make us think very carefully. This complex issue, which has been discussed for nearly three years in the Governing Body, has now been brought to the attention of international public opinion by our Conference. The interest that the whole world has shown in this discussion has, I think, increased the importance and visibility of our Organization. Throughout the debate we have been able to remove certain misconceptions and clarify certain misunderstandings. At the same time we have by and large avoided indulging in immoderate language or extreme positions, and have thus made it possible for the Governing Body to see a little more clearly. Indeed I feel — and this is one of the first major conclusions of our Conference — that whatever opinions may have been voiced nobody suggested that we do not continue our work. We now have a year before us to come up with a significant compromise in this area, I believe that we can do so. I cannot imagine that we might fail, bearing in mind the disastrous consequences that that could have for the values in which we believe and for the Organization which we support.

As might have been expected, the section of the Report dealing with the fundamental rights of workers was the subject of a most lively debate. The comments of various delegates representing workers throughout the world on the situations that have been provoked or aggravated by the sudden liberalization of trade are sufficient to convince us of the need for globalization to have some kind of social parallel. As the Prime Minister of Luxembourg, Mr. Juncker, recalled, economic development does not automatically bring social progress even though, to quote the Union Labour Minister of India, Mr. Arunachalam, the purpose of economic development is to promote social progress consistent with human dignity and social justice. This view was shared by many Government ministers and representatives, including Mr. Mboweni, Minister of Labour of South Africa, as well as by a large number of Employers' and Workers' delegates.

The discussion showed that there is a broad consensus on the importance of strengthening fundamental rights, not only because they affect the essential rights of working people but, as the Minister of Labour of Sweden, Ms. Winberg, and the Secretary of State for Labour of the Dominican Republic, Mr. Alburquerque, reminded us, because they are the means of and the condition for promoting the other rights, according to the preferences and possibilities of each country.

Where differences of opinions differ is how to strengthen these fundamental rights. There are two major channels: universal ratification of the seven core Conventions, and the adoption of a solemn declaration on fundamental rights. These two paths are not mutually exclusive; they are complementary.

Many of you welcomed the campaign for the ratification of the core Conventions which we launched in 1995 and whose impact we will be looking at in the Governing Body in November. So far, about 60 ratifications have been recorded and more than 20 are still expected, mainly of the Minimum Age Convention, 1973 (No. 138). This massive response shows how wrong it is to claim that the ratification of the fundamental standards depends on a country's economic and social development. Very many developing countries have ratified, or have undertaken to ratify, these standards in the very near future. This is extremely encouraging, and with your support this action will be continued and extended. In those countries that really want it we shall continue to provide technical cooperation to help them ratify and apply the core Conventions, as the Minister of Labour of Uganda, Mr. Aiding, suggested.

I said at the beginning of my statement that discussions on the proposal on a draft solemn declaration aimed at reaffirming the universal respect of the fundamental rights of workers have made it possible to clarify a number of points.

As was recalled by many governments, the representative of the Trade Union Advisory Committee of the OECD, Mr. Evans, and the Employers' delegate of Australia, Mr. Noakes, the Governing Body, following the 1994 Session of the Conference, has on several occasions examined the question of the social dimension of the liberalization of trade. A vital conclusion has become clear from the work of the Governing Body: the liberalization of trade and the removing of obstacles to international trade provide the raw material for social progress. However, at the same time this liberalization may pose a danger that uncontrolled international competition becomes "an obstacle in the way of other nations which desire to improve the conditions [of labour] in their own countries", to use the words of the Preamble of our Constitution. The ILO must therefore, in particular through its standard-setting activity, try to bring about a certain parallelism between social progress and economic progress resulting from the liberalization of trade. This is in conformity with the mandate entrusted to the ILO by the World Summit for Social Development of Copenhagen and paragraph 4 of the Ministerial Declaration of the Singapore Conference.

It is, however, clear from certain statements that the results of the fruitful debate which took place on this subject in the Governing Body have not been sufficiently broadcast. I will take the necessary measures to remedy this failure in communication between the Governing Body and our constituents as a whole.

At the end of your discussions, it seems to me that although some countries expressed or made known their disagreement with this initiative of the Governing Body, presented during its March 1997 Session — and we have to examine carefully the reasons for their hesitation or reluctance — a fairly broad consensus has arisen in both the Government group as well as amongst Employers and Workers concerning the *principle* of the consideration of such a text and the application machinery which will accompany it.

In order to dissipate any last doubts to which this proposal might still give rise, it seems to me important to emphasize once again that it is in no way a question of imposing, through such a declaration, new obligations on member States against their will. The declaration is aimed at reaffirming the logic of the commitments and the values to which States have already freely subscribed in joining the ILO. Is there any need to recall here that membership of the ILO is a voluntary act of the State? But nobody could reproach the Organization for inviting its Members to take seriously such commitments by making them more explicit. This precisely is the meaning of the declaration which is aimed at reiterating the specific scope of the fundamental values which each Member has chosen to support of which, as the international community in Copenhagen and Singapore has recognized, the ILO is the depositary.

The next question concerns the consequences of this reaffirmation of the sense of their commitment. On this point again we need to dissipate any concerns or misunderstanding. The nature of these consequences should arise from the very nature of the declaration. Thus it is not a question of sanctioning violations or failures by means of a judicial procedure. This was recalled by both the Minister for Labour and Manpower Development of Kenya, Mr. Masinde, and the Minister of Social Affairs and Employment of the Netherlands, Mr. Melkert. It is a question of verifying whether, even if it has not ratified the respective Conventions for reasons which may in certain cases be legitimate, a country nevertheless respects the spirit and principles.

There are many ways of devising such a mechanism. At this stage I do not intend to review them all. However, I would like to assure the Conference of my conviction, as reflected in the concern that I have had of associating it from this year in the discussions under way in the Governing Body since 1994, that this mechanism should receive as broad support as possible. The Governing Body will thus continue its work on this subject in accordance with methods which it will itself examine the day after tomorrow. The proposals which will be submitted to the Governing Body in November on the declaration and its application machinery should provide a sufficiently consensual basis and reflect the various sensitivities and make it possible for this vital question to be included on the agenda of the 1998 Session of the Conference.

As regards my proposals relating to a periodic report on social progress throughout the world, I would like to recall that the fact of becoming a Member of the ILO implies not only a commitment to immutable values but to the dynamics of social progress. Each country takes on a commitment to participate actively in associating its workers with the fruits of economic progress, rather than contenting itself with this being done spontaneously, the consequences of which have once again been emphatically emphasized in the UNDP report on human development. Hence the idea of providing references and exchanging information or good practice to encourage such a dynamism by means of a regular report. It goes without saying that such a report was never intended in my mind to dictate to anybody the level of social progress which is appropriate for each stage of economic development. Since 1994 I have repeated constantly that it is not appropriate for anybody, not even the Organization itself, to dictate to its Members what is appropriate for them in terms of social progress. I am encouraged by the support of all of those who have understood the essentially promotional and pragmatic nature of this project. Without doubt it is going to require a great deal more consideration and discussion, but I am reasonably optimistic about the results, because amongst the small number of those who have shown some hesitation concerning this proposal, I believe I can see some possibility of reaching agreement.

The tensions which at certain times marked the discussions on the technical questions on the agenda of this session of the Conference illustrate perfectly the problems referred to in the second part of the Report. They have in particular highlighted the problems of embarking on in-depth discussions, within the short period available to the Conference, of extremely complex technical questions sometimes included in the agenda without there being a clear idea of their shape or content. It seems to me imperative to pursue actively the proposal that new questions should be the subject of a preliminary discussion in order to gain a better idea of a possible instrument before the matter is definitively placed on the agenda of the Conference. This session will have also provided many examples of improvements which could be made to various procedural aspects, and in particular in the drafting of questionnaires. Generally speaking, the ideas and proposals contained in the second part of the Report have attracted interest and support, which I welcome. It is my firm intention to continue this work actively in the Governing Body and in the competent committees.

In the presentation of the work of the Conference committees, I will come back to certain points illustrating the need for a review of the rules and procedures of our standard-setting machinery.

At this stage I will not dwell on the question of the social label which, as Mr. Chotard said, has given rise to considerable agitation and some negative reactions. I will simply emphasize the fact that the proposals on this matter were aimed mainly at initiating debate on a multilateral and essentially voluntary solution, which is very far removed from the philosophy of the social clause. By definition, such a multilateral framework could not be established without there being very broad consensus which is clearly, at the present stage, still lacking. I had made this proposal thinking particularly of the developing countries, which run the risk of being rapidly submerged under private and unilateral labelling systems, the positive and less positive aspects of which are emphasized in the Report. It will be for the Governing Body to decide whether or not to continue the debate on this question. For my part I am convinced that the proliferation of private initiatives of which the Office already has many examples should lead us back to a more tranquil debate on the merits of this approach, as has been suggested by the Minister of Labour and Social Security of Mexico, Mr. Bonilla Garcia.

This session of the Conference has just taken a decision of great historic and symbolic importance, giving itself an effective instrument which will make it possible for it to deal in a transparent and definitive manner with standards which have become "dead wood". This constitutional amendment will give the International Labour Conference the power of abrogating international labour Conventions that the Governing Body and the Conference itself agree to recognize as obsolete. I would like to call upon member States to ratify this amendment, which I would remind you requires ratification by two-thirds of member States, including five of the ten Members with the highest degree of industrial importance, for it to enter into force. If we want to adapt our standard-setting machinery we must lose no time.

The visit of His Majesty King Hussein of Jordan was one of the highlights of the Conference. Recalling the commitments of his country to the values of the ILO, King Hussein welcomed the pragmatic, objective and transparent nature of the ILO's response to the challenge of globalization. On the situation in the Middle East, the King recalled his determination to continue to work to bring about a just global and lasting peace in this region of the world, which will guarantee prosperity for its inhabitants.

The report on the situation of workers in the occupied Arab territories was the subject of many interventions and statements. The Office must continue and perhaps intensify its technical cooperation efforts in this region to advance the cause of democracy and the fundamental rights of workers, the promotion of employment and the fight against poverty, as well as worker protection. This is without doubt the best possible contribution that the ILO, within its sphere of competence, can make to the efforts to bring about peace in the region.

We also had the pleasure of welcoming in this body Mr. Wolfensohn, President of the World Bank. His presence bore witness to the cooperation which has been established between our two institutions in recent years. We have thus begun to implement together one of the major conclusions of the Copenhagen Summit, calling for closer links between the ILO and the Bretton Woods institutions.

After his statement, ministers and the social partners subjected him to a barrage of questions relating to debt, globalization and social justice. I think that we would all benefit from having this type of brief and effective encounter with formers of public opinion more often — and the Office will take steps to organize further events of this nature at forthcoming sessions of the Conference. I believe that this would help our institution to be more forward-thinking and efficient.

The Committee on Job Creation in Small and Medium-sized Enterprises was called upon to examine all issues relating to job creation in this type of enterprise which, in many countries, is the best placed to create new jobs for a considerable share of the population. The Conclusions adopted with a view to adopting a Recommendation stressed the need to adopt measures to assist small and medium-sized enterprises, as well as specific measures to improve the quality of jobs and protect employment.

The second discussion of this Committee, scheduled to be held at the next session of the Conference, should give rise to the adoption of an autonomous Recommendation. As I suggested in my Report, this type of instrument should no longer be considered as a sort of poor relation in standard setting. In order to ensure this, there should be a mechanism to monitor the implementation of Recommendations so that their relevance can be periodically assessed.

It is useful to recall that the work on the revision of Convention No. 96 was preceded by a general discussion at the 81st Session of the Conference (1994) on the role of private employment agencies in the functioning of labour markets. Without wishing to make this a hard and fast rule, I think we should make use of this procedure more often, especially when concepts are not clearly defined. I would like to think that this procedure was one of the factors which contributed to the successful work of this Committee.

A Convention and Recommendation have just been adopted by the Conference and — as far as their content is concerned — they correspond fairly well to the new type of standard you have been calling for during the discussion of the Report.

The work of the Committee on Contract Labour was difficult. I feel, at this juncture, that it is relevant to try and analyse why the discussions during the plenary were so difficult. The major problem, as I see it, was linked to the very definition of the subject of these standards. Given the lack of preliminary surveys and discussions, which the Office had pointed out was necessary before including this item on the Conference agenda, it was up to the Committee itself to define the scope of the instruments they were called upon to draft. Without in any way wishing to call into question the qualities of the members of the Committee (or of the secretariat), the outcome of its work suffered as a result of this situation. This is an additional illustration, if one were needed, of the pertinence of the suggestions made in Part II and the Annex of the Report.

As usual, the Committee on the Application of Standards examined the reports from the Committee of Experts. More than 60 countries took an active part in the discussions with the Committee, designed to help them make progress in respect of obligations relating to ratified or non-ratified labour standards. If the comments made by the supervisory body sometimes give rise to delicate or difficult problems in the countries concerned, the Office is ready to provide them with any technical assistance they might require, particularly as part of its active partnership policy and missions by the multidisciplinary teams.

The point raised by the representative of the Workers of the Russian Federation, Mr. Shmakov, concerning the repercussions of the overlapping of procedures to examine a case before the Conference Committee on the Application of Standards, proves that the time has come to codify and modernize certain aspects of the procedures in question. This is particularly true of the procedures relating to article 24 of the Constitution the provisions of which are extremely rigid and imprecise with respect to other procedures. I can perfectly well understand the frustration — and that is putting it mildly — caused by the lack of any form of code and the apparent lack of clarity as to its action when the interests of millions of workers are at stake. It is thus my firm intention to call upon the competent services to take up urgently the considerations and drafts for reform of this procedure, which have been under way for a number of years, but which now must be very rapidly brought to a conclusion.

Throughout this reply, I have outlined what has seemed to me to be the basic thrust of the debate of the Conference this year. The Conference has taken the opportunity to go into the work carried out by the Governing Body since 1994 in greater depth so as to breathe new life into the standard-setting activities of the ILO. I am convinced that the Governing Body will find your deliberations a source of renewed inspiration.

The PRESIDENT — I thank the Director-General for his most comprehensive reply to the general discussion, as well as for the analysis of the work of the committees.

(The sitting adjourned at 12.30 p.m.)

Twentieth sitting

Wednesday, 18 June 1997, 3.15 p.m.

President: Ms. Keltošová

REPORT OF THE COMMITTEE ON CONTRACT LABOUR: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT — We shall now consider the report of the Committee on Contract Labour, which you will find in *Provisional Record* No. 18.

I give the floor to Mr. Johannes, Government adviser, South Africa, and Reporter of the Committee on Contract Labour, to submit the report.

Mr. JOHANNES *(Government adviser, South Africa; Reporter of the Committee on Contract Labour)* — I have the honour of presenting the report including the proposed Convention and Recommendation of the Committee on Contract Labour, which are the fruits of the intense and constructive debate and discussions that have taken place over the last two weeks.

At its 262nd Session in March 1996, the Governing Body of the ILO decided to place contract labour on the agenda of this session of the International Labour Conference with a view to the adoption of a proposed Convention and a Recommendation.

The Governing Body has considered law and practice reports on this subject since 1993, but this issue is not new to the ILO, nor are the concerns, as it has been the subject of discussions and resolutions of industrial committee meetings dating back to the 1950s. The Committee had before it reports 61 and 62, both entitled contract labour, which were prepared to shed some light on the subject underlining the problems facing contract workers, and presenting a broad spectrum of existing laws and practices. A number of Committee members enriched the debate by describing the particular problems facing contract workers in their countries, and the approach to addressing these problems that has been taken.

In taking the Office text found in report 62 as the basis for discussion, the Committee first agreed to proceed on the assumption that they were working towards the formulation of a Convention and a Recommendation. While there was strong opposition to this decision expressed in the Committee, in the spirit of tripartism that opposition was respected, as was the decision of the majority of the members of the Committee, and the deliberations continued in a constructive fashion. The Preamble of the proposed Convention recognizes that, having regard to the growing recourse to contract labour, it would be appropriate to adopt new standards with a view to ensuring that contract workers enjoy adequate protection. Consensus regarding the need to protect these workers was reached in the Committee, though there was disagreement as to the nature and extent of that protection.

Certainly all agreed that disguised relationships where contract labour is used as a means of avoiding legal obligations and disadvantaging workers should not be condoned, and protection should be provided. The avenues beyond that, in particular the various types of triangular relationships, were explored in some detail, with a better understanding being reached of the problems and concerns involved.

Considerable debate and discussion surrounded the definition of contract labour. In the end, the relatively broad touchstone of dependency and subordination, was accepted while the scope of the application of the instrument was not narrowed through the exclusion of workers with a recognized contract of employment with the user enterprise.

In this balancing exercise between the definition and the scope, the objective of the Committee was to ensure wide coverage to encompass those who might require protection, while excluding those already benefiting from traditional, secure employment arrangements. This is an area that no doubt will be revisited in next year's discussion of this issue, but much progress has already been made in understanding the various concerns influencing this delicate balancing process.

In addressing the issue of the applicability of fundamental rights to contract workers, on this point there was clear consensus. The Committee unanimously agreed that all workers, regardless of employment status, should receive the same protection with regard to the right to organize and bargain collectively, freedom from discrimination and minimum age. This item has been scheduled for a double discussion, this year's discussion being the first of the two. The importance of the double-discussion process on a topic such as contract labour cannot be underestimated. The main objective of this year's discussion was to prepare the terrain for next year, and that, I believe, was successfully achieved.

At the commencement of the discussions, many members of the Committee were approaching this subject from very different perspectives, and there were many conceptual and definitional questions raised. Through the course of the discussions I am pleased to say that some points were clarified. With respect to others the extent of the differences was reduced, leaving only a very limited area of marked divergence. However, even there the rationale for the differing positions was better understood by the end. As a result, fertile ground for next year's discussion has been prepared, providing a basis for optimism regarding the results that are realistically attainable in finalizing next year a Convention and Recommendation on this important subject, that touches so many workers throughout the world.

It is an honour and a pleasure for me to commend this report to you for your adoption.

Mr. NOAKES *(Employers' delegate, Australia; Employer Vice-Chairperson of the Committee on Contract Labour)* — In my opening remarks at the commencement of the work of the Committee on Contract Labour, I said that the Employer members of the Committee were implacably opposed to the adoption of instruments on contract labour. Nothing has taken place during the course of the first discussion to change that view. Indeed, the results of the discussion as represented by the draft instruments now proposed by the Committee have reinforced and strengthened our initial view. We remain convinced that contract labour is not a suitable subject for standard setting.

We remain concerned about attempts to draft instruments which are and will be incompatible with the enormous variety of arrangements involving workers who are not employees, and the enormous variety of national approaches to the subject.

We remain concerned about the conceptual and definitional problems involved, and about the differences in terminology from country to country and from language to language.

The attempts which have been made by the Committee to rationalize concepts, definitions, terminology and national approaches can only lead to confusion and to instruments which perform no useful purpose because they are not ratifiable and/or incapable of application.

This outcome is particularly unfortunate at a time when the relevance of standards is being increasingly questioned, and when already standards adopted in recent years are being ignored by many governments.

The Director-General in his Report to the Conference has referred to the problems which have arisen in the standard-setting process, and has put forward some welcome proposals for change.

The experience with contract labour has presented a good example of those problems and serious consideration must be given prior to and during the second discussion to the development of a different approach.

We made it clear during the work of the Committee that we did not support fraudulent or illegal arrangements which sought to deny workers the benefits of an employment relationship. We said that the key issue was whether or not a worker was truly an employee in accordance with national law and practice, and we put forward a proposal for dealing with this key issue. Instead, the Committee has taken an approach which will perpetuate the indeterminate legal status of many workers.

For the purposes of the Committee's discussion, it has been recognized that there are three categories of worker. Firstly the truly independent worker. Secondly the worker who has the legal status of an employee. And thirdly the worker of indeterminate status.

The Committee's proposals do not seek to resolve the issue of the legal status of the third category of worker. Instead, what they seek to do is to ensure that this person will receive some of the benefits received by the person who is truly an employee.

We say that this is fundamentally a wrong approach and that the best answer to any problem which might exist is to determine in appropriate cases that the worker in the third category is in fact an employee and so bring an end to his or her indeterminate status.

The Committee's approach is to seek to allocate responsibility for this third category of worker between the user enterprise, the subcontractor and the intermediary to impose obligations on them and to transmit those obligations from one to another.

We say that where the worker is legally an employee, then the employer must meet the obligations which apply and these should be enforced rather than being transmitted to a third party.

In addition, we do not accept that legitimate enterprises which engage workers under a contract which is not a contract of employment, should have those arrangements interfered with in the way proposed by the Committee. This type of interference will discourage these arrangements which are often to the benefit of both the worker and the enterprise.

We have said repeatedly during the course of this first discussion that the use of relationships other than recognized employment relationships, is an important source of labour market flexibility and job creation. In many countries it is a common practice and a legitimate one. It is a response to changes in the nature of work and in the organization of work and to the inflexibilities and the rigidities which in many cases characterize the traditional employment relationship.

The proposals contained in the report would discourage the use of contract labour and make its use much more difficult. This would not be a good outcome for employers, workers or for governments, which are themselves involved to a significant extent in the use of contract labour. But it is the consequences for efficiency, job creation and economic growth which would be the most serious.

As well as the difficulties of principle which we have with the proposed texts, there are many specific provisions which give us cause for particular concern. I mention some of these so that they might be an aid to the reflection which should now take place.

The application of the concept of dependency or subordination, the treatment of subcontractors and intermediaries, the concept of equality of treatment between contract workers and other workers performing similar work, the apportionment of responsibilities between user enterprises, subcontractors and intermediaries, and the transmission of those responsibilities from one to the other, and the provisions concerning licencing or registration as a precondition to the provision of contract labour.

I want also to say something concerning the role played by government representatives in this Committee.

Repeatedly, a large number of Government representatives were absent during discussions and when votes were taken. Repeatedly, a large proportion of the remaining Government members abstained in voting, and repeatedly important issues were determined by a small majority of governments.

This is not the way in which such important issues should be dealt with. It does not reflect the true spirit of tripartism, which requires active participation in order to be meaningful and the outcome does not reflect the need for there to be a substantial consensus on the issues under discussion, rather than a small majority which, on this occasion, does not include the Employers.

A further matter to which I would draw attention is that many governments which voted in favour of discussion of a Convention and Recommendation, would clearly find it impossible to ratify a Convention on this subject. Indeed I suspect that many would have no intention of doing so, and the remarks contained in the Director-General's Report in this respect are especially appropriate.

However, it is also clear from their statements that a number of Governments which voted in this way in the Committee did so in order to enable a discussion to take place and that they now intend to review their position. We hope that the outcome has convinced them of the accuracy of the Employers' views.

In that context, I wish to refer briefly to the remarks made by some Government members at the conclusion of their discussion concerning their satisfaction with the level of consensus reached. And I want to make it clear that any such consensus does not include the Employers. And I also want to refer to one of the closing remarks of the Chairman, when he said that the remaining differences among the Committee members were superficial in nature. I want to make it clear that for the Employers the remaining differences are not superficial, but are absolutely fundamental.

I want to thank Mr. Parrot, the Worker Vice-Chairman for the cordiality and the good relationships which existed between us, despite our strong differences of opinion. I also want to thank the Reporter, the Chairman, the representatives of the Office and the secretariat for the contribution which they made to our work.

Finally, I want to make some remarks concerning the fact that the Conference is being asked to adopt a resolution which calls for this item to be included in the agenda of its next session so that there might be a second discussion regarding the proposed adoption of a Convention and a Recommendation concerning contract labour.

Our position has been, and it remains, that we do not favour this item as a subject for standard setting. We will not formally oppose adoption of the proposed resolution, given that it represents the wishes of the majority of the Committee. However, it must be clearly understood that we remain opposed to the adoption of standards on contract labour, and therefore we are opposed to the intent of the resolution.

Mr. PARROT *(Workers' delegate, Canada; Worker Vice-Chairman of the Committee on Contract Labour)* — It gives me great pleasure to recommend to you the endorsement of the report and the first-year conclusion reached by the Committee on Contract Labour.

The Workers' group supports both the conclusions and the process that this Committee has adopted, a process which we hope will lead in 1998 to a new ILO Convention supplemented by a Recommendation.

If we are to ensure that the ILO remains relevant and credible, then we must do more than to review existing Conventions and to abrogate obsolete ones, and we must do more than to promote existing Conventions and to strengthen the ILO supervisory system.

The credibility and continuing relevance of the ILO requires that we continue to set new standards, not just for the sake of setting new standards, not just because it is an important task of the ILO. Standard setting is at the very heart of the ILO's purpose, and a constantly changing world of work requires new standards to address new situations where workers need protection. This is nowhere more true than in the case of contract labour. Contract labour is not new. In some sectors, and in some countries, contract labour is the consummation of a system that existed before the emergence of protective labour laws. What is new is that today more and more employers are increasingly resorting to contract labour in areas where the traditional employment relationship has been used until now and continues to be used to protect workers.

The changing organization of businesses and the changing organization of work has resulted in millions of workers no longer having the protection that is provided to regular employees. If these are the new realities of the world of work, we must not forget the old realities, and we must not forget the old lessons. The oldest reality is the unequal power relationship that workers have with employers, and the most important lesson is that if exploitation is to be prevented, if social justice and the interests of society are to be secure, then employment relationships must be recognized as being fundamentally different from commercial relationships, and workers must be accorded protection by placing obligations on their employers.

At its worst, contract labour can be a form of fraud, a conspiracy by some employers, and I say some employers, to disguise an employment relationship in order to avoid the obligations of the employer in that relationship. This problem of disguised employment is closely linked to a distinct problem of triangular employment. Changing forms of work and business organization has placed millions of workers in situations where they lack the protection of regular employees, because they are considered to be employees of a subcontractor who does not assume all of the obligations of the employer, or who is unable to assume all of the obligations of the employer, or who is not required to assume all the obligations of the employer. All three situations involve workers who are denied protection, including those established by many ILO Conventions, and they involve workers who, because of their dependency and subordination, need the protection that they are denied.

The Committee, in defining contract labour, has wisely chosen to address two issues — disguised employment and triangular employment: the two often go hand in hand, and both situations have a central element in common. They involve people performing work under the same conditions as regular employees, but who are not accorded all the protections of regular employees. Some member States have recognized this problem and have extended the definition of the employment relationship. Other member States have recognized this problem and have chosen to adopt special measures to protect workers who perform contract labour. Both approaches have been recognized by the Committee and are reflected in the proposed Recommendation, which emphasizes flexibility. So what is being sought is not mysterious, and it is not so complex as to be incomprehensible. Enough is known about this problem. It involves millions of workers, and any differences in national law and practice amongst the member States cannot obscure the fact that the labour legislation of all member States is based on the obligations of the employer to protect workers in an employment relationship.

What we are seeking is a Convention that can be applied by all member States, one that recognizes the problem and provides a definition, a definition that can allow the problem to be discussed, and ultimately to be resolved. We want a Convention that obliges governments to take measures to ensure that contract labour is not used for the purpose of denying rights or avoiding obligations under labour or social security laws and regulations, and we want a Convention that promotes the idea that workers performing the same work under the same conditions should be treated equally.

Of course, there is more to do, but we have made a good start, and as the Director-General said this morning, the Committee had to come out with a definition without the benefits of preliminary discussion by the Governing Body, but still I believe that the Committee has done the work that was necessary in an attempt to cover the two problems that I have identified.

The adoption of this Convention next year, even in the language that it is in right now, will not stop contract labour, as it has been suggested, but will ensure that the workers that find themselves in the situation mentioned before will have the protections that they should be entitled to.

Tripartism is an important concept, but it is a concept that has to work with three parties, and I agree that we have had some difficulties, at some point in time, in the process, but it is very difficult to ensure the concept of tripartism when one of the parties decides there shall not be any content in the proposed Recommendation. That was one of the difficulties we faced, and I think it is important to say that if someone is concerned about tripartism, I am also concerned about our tripartite work, but it has to work, the three of us together, trying to resolve a problem.

We shall not oppose Conventions for the sake of opposing Conventions, no more than we shall adopt Conventions just for the sake of adopting them.

Finally, through the work of this Committee we can, now, ensure that in the rapidly changing world of work there would be a credible ILO that is both responsive and relevant to what is actually going on.

I just want to say at the end that I also want to thank the Chairperson of the Committee and also the other members of the Committee and of the Office, and that yes, myself and Mr. Noakes have had a very good relationship together and I hope this will continue next year, despite some differences of opinion we had, and I want also to thank both the translators and interpreters who I think have done a fantastic job in helping us to do our work.

Mr. MISHRA *(Government delegate, India; Chairperson of the Committee on Contract Labour)* — The distinguished Government delegate of South Africa and the Reporter of this Committee has very succinctly presented a graphic account of the discussion which took place in the Committee, the gist of the decisions arrived at by consensus and the preamble, definition, scope and applicability of the provisions of the international instruments on contract labour.

He has been supplemented by the distinguished Vice-Chairpersons of the Committee. Both the Vice-Chairpersons have expressed their viewpoints from diametrically opposite positions.

As the Chairperson of the Committee, I am placed in an extremely difficult and unenviable situation. I am to remain totally neutral and am not expected to comment on the propriety and wisdom of what the distinguished Vice-Chairpersons have stated.

Nevertheless, I thought it appropriate and I owe it to you, and to this august assembly, to place the entire issue in a proper, positive, constructive and holistic perspective and spirit, and it is with this intention that I venture to place a complete picture of the work of this Committee and the perspective in which the work, as also the outcome, needs to be viewed.

It was with much trepidation that I had assumed the chairpersonship of the Committee on Contract Labour on 3 June, to conduct a tripartite debate on a subject which is at once complex and mind-boggling.

In the beginning of this contentious debate, the light at the end of the tunnel was not clearly visible. The differences were widespread and clearly pronounced. A fortnight later, however, if that trepidation has been replaced by a feeling of appreciable fulfilment on the part of all of us who are present here, it is on no lesser count due to the spontaneous cooperation and support I received from the constituents of the tripartite Committee. For the group as a whole it was a bold and exciting experiment in tripartism and in consensus building.

Tripartism is not merely a structural framework of concept, it is largely a matter of attitude, approach and spirit. The tripartite dialogue cannot, and should not, obliterate, or attempt to obliterate, fundamental differences amongst the constituents. It should synthesize and harmonize them with a view to arriving at the lowest common good of the largest number — I repeat lowest common good of the largest number. This is my understanding of tripartism; tripartite infers culture and spirit, and the Committee on Contract Labour sought, and made, every possible, earnest and sincere effort to translate this concept into reality.

For me in particular, it was a rich experience and opportunity of learning by sharing at the international level. The distinguished Vice-Chairpersons from the Employers' and Workers' sides, Mr. Noakes and Mr. Parrot, were absolutely at their best both in terms of conceptualization and articulation of concerns, and each one perceived them with clarity and insight.

I was reminded of the battle of wills which took place last year on the occasion of the discussion of the Home Work Convention between Mr. Wild and Mrs. Van den Burg and I was an eye-witness to that. They represented the transference of intentions and intellect, even though they remained absolutely convincingly glued to a particular position.

Notwithstanding the wide diversity in their perception and country experience, distinguished Government members made significant contributions to the debate, enriching the content quality of the debate, while the officers of the secretariat, including the diagrammatic presentation made by Mr. Egorov helped to demystify several grey areas in the debate.

The distinguished delegate from the United States of America played a leading role in coordinating the efforts of Government members to come to a consensus amongst them, while the Legal Adviser contributed significantly in throwing light on areas of doubts and uncertainties.

The Drafting Committee comprising the two Vice-Chairpersons and the Reporter, under the able guidance of Mrs. Samuel, the distinguished Government member of Cyprus, worked hard on two holiday days to bring out an end-product which is the outcome of consensus, and which reflects the distilled wisdom behind the deliberations of the Committee in an accurate, authentic, objective and dispassionate fashion while being, at the same time, intelligible and readable. This is an end-product which is owned by all members of the tripartite group in whose formulation all have participated and all have contributed naturally and spontaneously.

This plenary session therefore provides an appropriate occasion to acknowledge our collective deep sense of appreciation for the efforts of all those who contributed directly, or indirectly but significantly, in carrying the deliberations to their logical conclusion.

The distinguished Vice-Chairpersons from the Employers' and Workers' sides have dwelt at length from their respective positions which, as I said earlier, were diametrically opposite to each other, showed the rationale, the need, the content and the modalities of regulating employment of contract labour through an international instrument, while remaining seemingly and outwardly divergent and conflicting. There is, in my assessment, no real difference in their perception and this I would like to elaborate with some pains.

Today, none can deny that radical transformations are taking place in the labour market due to the technological revolution, economic reforms entailing structural adjustment policies and programmes, and changes in the labour market in myriad forms.

In the wake of this transformation, distance has lost its meaning altogether and the world is fast becoming a global village. Revolutions in technology of information are fast transcending the narrow and restrictive barriers of communication, making today's up-to-date thing into something stale tomorrow. This has given rise to changes in the nature and character of work and work organization at the workplace, in industrial, commercial and trade enterprises. One of the consequences of these changes is outsourcing, which gives rise to use of contract labour in both public and private sectors, in primary, secondary and tertiary sectors, in both developed and developing economies, without exception.

This change has given rise to subdivision and fragmentation of an unprecedented magnitude at the workplace, and change in the traditional forms of employment relationship leading the way to atypical ones. Instead of being bilateral, such relationships assume triangular and quadrangular forms. Such changes are inevitable and irreversible. It has to be recognized as the direct consequence of globalization of the economy and attempts of national governments to integrate national economies with the global economy. The latter is fiercely aggressive and aggressively competitive.

In today's market economy, if we are competitive, we survive. If we are not, we are bound to perish. How can industrial enterprises be competitive when there is so much regulation and interference, so much rigidity and inflexibility of control in employment relationships? This is basically the perception of the employers' point of view. According to this perspective, capital creates labour when there is cost-effective and productive use of capital which is a scarce resource. I have no quarrel, absolutely no quarrel, with this formulation.

But we have also to look at the issue from the other end of the spectrum. And that represents the workers' viewpoint that labour creates capital. Labour can create capital only when labour feels fully involved, physically, emotionally and psychologically with the workplace, when alienation is replaced by participation of the workers. And for this we need to have the right work ethos, the right work culture and the right work attitude and approach. No participation of labour in capital is possible unless there is a feeling of security and protection, unless the workplace is absolutely safe, clean and congenial, unless the reducible, barest minimum needs of the workers, in terms of health, hygiene, housing, sanitation, welfare and safety, have been assured. Creation of a healthy, contented and stable workforce, therefore becomes the *sine qua non* of a highly productive work environment in a highly competitive global environment. Thus, to put it in an integrated environment, labour creates capital, and capital creates labour, and both together, with understanding and goodwill, can contribute to the building of the economy, national as well as international.

It must, however, be borne in mind that within labour, contract labourers and migrant contract labourers are largely unskilled, illiterate, non-numerate and have a low level of earnings and a low level of aspirations. It constitutes the twilight zone of humanity, often unseen and unknown. It is most vulnerable exploitation. It is therefore in need of protection, social, economic and legislative. The State, as the agent of the society, has to provide the instrument of such protection. Since the ILO rests on the premise — and this is so clearly, lucidly and forcefully brought out in the Declaration of Philadelphia that labour is not a commodity but a human entity entitled to the same dignity and freedom like any other human being, this proposed international instrument is intended to set certain norms and standards of such protection, whether it is the furtherance of a healthy and robust national economy, or it is the promotion of prosperity of the industrial enterprise, or it is the promotion of the well-being of the industrial worker. All these three, according to my perception, are inextricably intertwined and promotion of one is not possible at the cost of the others.

Viewing this perspective, the difference in perception between the Employers' and the Workers' groups, as has been very ably articulated by Mr. Noakes and Mr. Parrot, is artificial and not real, and should not, therefore, pose any formidable problem. The entire tripartite exercise has been undertaken as a part of the double-discussion procedure, in a climate of total professionalism, understanding and goodwill.

It is a major step in the direction of standard setting by the ILO, coming as it does immediately in the wake of the Home Work Convention adopted last year, and the Fee-Charging Employment Agencies (Revised) Convention, 1949 (No. 96), which has been discussed this morning. It is a major initiative and breakthrough, protective and anti-exploitative in character, in the field of the unorganized and informal sector.

It is my ardent hope and conviction that the tripartite partners will maintain the same intrepidity and conviviality of human spirit, the same depth of past goodwill and understanding, to facilitate the process of this international instrument being carried to its logical conclusion. The presentation of the report of the Committee undoubtedly augurs well for the discussion which is to take place next year.

With these words, I would like to thank you for your kind attention and would like to commend to this august assembly the text of the report for its adoption.

The PRESIDENT — The general discussion on the report of the Committee on Contract Labour is now open.

Mr. LAWSON *(Employers' delegate, Canada)* — What is contract labour? After two weeks of active debate, there are more questions about this definition than answers. We are in an era offering the opportunity for stable, economic growth. The world is redefining itself politically, economically and socially. As we embark on this exciting time, a common goal of business workers and governments, must be to remove barriers to any type of business, opportunities leading to economic growth and job creation.

Consequently, a second look is in order each time obstacles appear that threaten progress. Employment relationships are evolving. What was considered a good and stable job with regular hours, fixed income, a package of benefits, is declining. This type of work will be reserved for a less diversified workforce, not so autonomous, and not so entrepreneurial. There is a great demand for personal and economic growth, a greater desire to eliminate artificial barriers and boundaries, a greater search for opportunities. Stakeholders are working hard to eliminate barriers. Governments, businesses and individuals want to facilitate growth. Independent working relationships maximize and take advantage of the most valuable resource available, the ingenuity and the spirit of the entrepreneur. Businesses are successfully contracting some of their core activities. Companies are willing to give control of segments of their business to very knowledgable and focused workers often described as contractors, subcontractors, contract workers, independent contractors. There are many types of contingent work, and there will be others not yet defined. Although some view these relationships negatively I look at them positively. Apart from the economic advantages, these groups also provide a greater expertise in specific segments of the work to be performed, are usually more innovative in their approach, often produce better products or services, respond with just-in-time solutions to often complex and very difficult problems and finally provide the best opportunity for training and career development for employees. This highly specialized, focused and fast growing sector of the economy is inventing and redefining the nature of work. It is constantly pushing the definition of work to the outer limits while exploring the diversity of employment relationship. In the midst of all this flux the ILO brought forward a proposal to discuss this subject which is still evolving and which is not clearly defined for many member States. Many Members have confirmed that they do not use one or all of the above forms of labour. Worse, the words may be the same but the definition is quite different as evidenced in the French and English understanding of this form of labour. Adding to this confusion, governments' positions ranged from full participation to total silence.

I would like to contribute to next year's agenda by providing some questions which I hope will help. The first concerns how we can develop an instrument at the ILO which will improve the situation of contract workers who are yet to be defined. Some member States speaking as groups seem to have controlled the outcome of many points adopted in this instrument. I wonder how these member States will really react individually to the adoption of such a document. Most importantly, will this instrument deter or contribute to job creation?

I believe that the impact will be negative on many of the commercial contractors who fall within its scope, whether they are individual entrepreneurs or major contracting companies. I urge the governments to consider strongly their position between June 1997 and June 1998. We have discussed these subjects here at the ILO but we must move beyond our personal agenda and try to really understand how the effects of our actions can help or impede job creation and economic growth.

Mr. BOTHA *(Employers' delegate, South Africa)* — I strongly support the view expressed by the Employer Vice-Chairperson, Bryan Noakes, and my Employer colleagues in this debate on contract labour.

The Employers have argued that the concepts of an employment relationship and a commercial contractual relationship should not be confused. Nor should a third hybrid category be created. These views have been rejected.

The main objective of business is to survive, and business can do this by remaining competitive through innovation and cost control. Businesses have to react and operate quickly, they have to lead in their chosen field, and they have to continuously reduce costs.

The use of contractors has provided enterprises, and I use enterprises in its widest sense, with a dynamic tool to produce and to serve more effectively and more cheaply than ever before. The nature of employment has changed. Any enterprise that relies on a model of the employment contract that still has as its base the employee who enters employment at a young age, moves up a rung or two on the occupational ladder without acquiring any significant skills before retiring at 65, is doomed to failure. Different forms of employment and contractual relationships characterize successful enterprises. All of these permit rapid responses to changing demands and all of them benefit both employers and employees. Employees benefit because they acquire multiple skills, varied experience, and the prospect of more meaningful employment. Any attempts to stifle these developments will make organizations, commercial business and the State less competitive, will increase product and service costs and will hamper the creation and retention of jobs. My own country, South Africa, has 30 per cent unemployment and such a development would be devastating.

Using contractors is often more effective than using employees within an enterprise. When they do so, companies, government departments and indeed trade unions can focus on their own core activities and eliminate unutilized and underutilized labour and overheads, freeing individuals to provide services on a wider more productive basis.

Contractors provide services only when they are required and are paid only for work done. They in turn are better focused on their core business.

They are less constrained by historical practices and can reduce costs by providing incentives to work quickly and on time. Their employees are often their shareholders.

The Employers' group has during the debate condemned fraudulent practices and mechanisms designed to avoid legal obligations or to exploit the weak.

Why is the ILO attempting to stifle the trend towards new forms of work by equating these emerging forms of employment and contractual relationships with a model that is rapidly becoming archaic? Why have the discussions on home work last year, and contract labour this year, seemingly had as their aim the elimination of any advantage in atypical forms of employment, either for employers or for employees?

The consequences for any government foolish enough to support these measures are obvious. A loss of any competitive edge and a loss of jobs to countries intelligent enough to weigh up the advantages offered by labour market flexibility against the disadvantages of the "one shoe fits all" approach that has characterized the Committee's debate.

Many of the Government delegates admitted that they did not really understand what was meant by contract labour. Others claimed the phenomenon did not exist in their countries. Despite this Government delegates voted in favour of ridiculous amendments in the interests of keeping the issue alive into 1998. Strange logic!

Representatives of governments who exercise their rights to participate and vote in the Committee's proceedings in ignorance of commercial realities, or even worse, as a matter of political expedience, do themselves and this Organization a disservice.

If your government has no intention of ratifying a Convention your moral commitment is to oppose it. I say to all the delegates, go back to your countries, talk to real business people, talk to contractors, talk to the people in your governments responsible for contracting and for employment creation. Test the results of this debate for their practical effects. If you do we may have a constructive discussion in 1998.

Original German: Mr. FENDRICH *(Government delegate, Germany)* — I too would like, as many previous speakers, to thank all members of the Committee, especially the Chairman, Mr. Mishra, and the spokesmen of those groups, Mr. Noakes and Mr. Parrot, for the devoted and competent work on this different subject.

The German Government is fully aware that the scope of contract labour is growing in many member countries and that the workers require protection comparable to the workers' protection. The widely defined concept contract labour as was deduced from the text provided by the secretariat for our discussions, embraced very differentiated groups of persons which, according to German legislation are subject to differentiated protective measures. Uniform regulations, are hardly thinkable at this moment in time. The federal Government had already lodged reservations when the Governing Body put this subject contract labour on the agenda of the present annual Conference. Therefore it voted against the adoption of a Convention and expressed itself only in favour of a possible Recommendation.

In the course of the Committee's discussion it became possible to restrict the concept of contract labour and the applicability of the proposed instrument. Concerning the scope and the supervision of obligations resulting from a proposed Convention, a more flexible regulation was reached. Unfortunately hitherto not all important issues could be settled satisfactorily. This applies especially to the incorporation of independent workers who resemble, only on account of the economic dependence, a producer or a worker. For this category the German legislation has special protective regulation on grounds of its independent activity. These persons do not have the same need for protection as envisaged in the proposed Convention for contract labour and according to which they should be put on the same footing. Moreover, the definition of a "subcontractor" and of an "intermediary" must be examined with a view to determining the more precise objectives of the Convention.

On grounds of the aforementioned reservations, the German federal Government believes there is room for substantial progress during the second reading. Conversely, it might not be in a position to adopt the Convention and most probably be unable to ratify it. However the federal Government hopes that the existing problems will be resolved in the course of next year's deliberations.

Mr. MAKEKA *(Employers' delegate, Lesotho)* — It gives me great pleasure to address this august assembly on this rather difficult and complex issue of contract labour. As this Conference adopts the report of the Committee on Contract Labour, which recommends the adoption of a Convention supplemented by a Recommendation, it is of the utmost importance for employers and business persons in general that all concerned, particularly governments, understand and appreciate why employers are opposed to the setting of an international standard on this issue, particularly by way of a Convention.

I speak here in support of all the points that have been made by our spokesperson and I can only endorse and expand as follows.

Employers have repeatedly called for a review of the ILO standard-setting process. We have been concerned by the rate at which the Conference is being turned into a factory, almost manufacturing Conventions for the sake of Conventions. Most of these Conventions are not ratifiable because they are far from reality. The Convention and Recommendation on home work is a living example and unless governments take the process seriously we are on the verge of having another unratifiable Convention, this time on contract labour.

I would like to take this opportunity to appeal to governments to use the intervening period between now and June 1998 to assess their stance and oppose the setting of ILO standards on contract labour, particularly by way of a Convention.

The Office in its report, which we used as a basis for deliberations in the Committee, cautioned that time was not right for standard setting on contract labour. Indeed, the deliberations in the Committee were a testimony and corroboration of this concern. An unusual amount of time was spent on the definition of what contract labour is and indeed, even after adoption of the definition, the controversy still prevails.

Right at the beginning there was a very strong move to start the Committee's deliberations with the definition of contract labour, which is in part 5 of the proposed Convention. Many Government delegates felt that such a move, which was unusual and unorthodox, was going to help Government delegates decide on whether we should or should not have a Convention. Even the usually homogenous governments of the European Union were divided. What is disheartening is that many governments voted with the workers for setting standards on this issue, despite the many misgivings they had. Some did so because they felt that this would give them time to study and understand the issue. Others did so even as they observed that contract labour is not an issue or a problem in their countries.

What was certain is that many do not understand the issue, and we think that these governments took a stand to support the workers, knowing very well that their governments will not ratify these proposed instruments.

The confusion is not confined to governments alone, as indeed many workers feel that there is a problem here. We have maintained that in the world of work a worker is either employed, and in that case there is in existence a contract of employment between that worker and a specific identifiable employer, or the worker is self-employed. There is no third category and here the workers agree and yet the instruments emanating from this Committee are creating this third category which cannot work in the real world of work.

It is hard to believe that there is a country in which there is no contract labour. The truth is that it is not an issue requiring legislative correction at the international level. In my country, for example, the organization which I represent has adopted a policy of encouraging its members, particularly multinationals, to subcontract some of their services and operations. We have found this to be the most economic and efficient way of creating more jobs and, most importantly, of transferring technology and know-how to small and medium-sized indigenous enterprises. The system is working very well, even though it is not yet widespread. Given the peculiar situation that prevailed in our region until recently, I am sure that my own Government embraces this very good policy.

We cannot deny that contract labour can be abused by some unscrupulous employers, and our stand is not to protect this. However, we firmly believe that the setting of ILO standards to deal with the problem is not the best solution. After all it is part of humanity to abuse even what is good. No one can deny that even a normal standard employment contract can be abused in the hands of unscrupulous employers and indeed in the hands of irresponsible workers. We contend that there are structures and mechanisms in existence in our respective countries to deal with these abuses. On the contrary, the adoption of ILO standards, particularly a Convention, is bound to hamper and interfere with otherwise legitimate commercial undertakings.

The world is now talking about competitiveness, the globalization of our economies and markets and we are all agreed that, unless enterprises gear themselves to compete globally, they are doomed to failure. How else can they compete if more and more regulations and rigidities are being piled on them. More regulatory and restrictive measures are being formulated at a time when governments, particularly in developing countries, have agreed or accepted that market forces should prevail. Many governments, including my own, have embarked on a programme of privatizing public enterprises and concentrate on creating a conducive climate for the private sector to flourish and grow. How can we reconcile these two with the present exercise of restricting contract labour if not outlawing it altogether?

In conclusion, I cannot but wonder whether workers and governments are conspiring to do away with contract labour. They deny that this is the purpose, but how else can one interpret the requirements set in the instruments before us? I shall not deal with each and every point of concern in this regard as the Employer spokesperson has already addressed those issues. But in reality how practical is it to require us to obtain a licence every time we use contract labour? In some of our countries it is already a hassle to obtain a normal licence as it is. It takes one to six months to obtain a trader's licence. How many governments have the time and the infrastructure to provide the intended service of providing licences for contract labour? Last but not least is the issue of strikes. How can an enterprise survive if it is not to replace contract labour which is on strike? This clause is not only unnecessary but superfluous, in that no worker can be forced to work if he or she does not want to work for whatever reason. I have yet to see how the supporters of this clause and many like it envisage its practical implementation.

It is on this account and many others that we cannot support the Proposed Conclusions of the Committee and we appeal to governments, particularly those from developing countries, to review their stands and join us in opposing the setting of standards on this matter, at least as far as a Convention is concerned.

Mr. ZILONI *(Workers' adviser, Israel)* — Within the framework of the deliberations of the 85th Session of the International Labour Conference I would like to devote my remarks to the subject of contract labour, which is undergoing initial discussion before the formation of a Convention.

I agree with the representation of the situation as presented in the report. I understand the sensitivity and the problems, but this is not sufficient. We need goodwill and common sense to confront the host of socio-economic issues presented by the subject to society on a global scale, to seek points of consensus rather than dispute, since only together, management and workers, will we be able to progress up the global economic slope.

From the report of contract labour in its various forms, we perceive the existence of a universal phenomenon of the employment of workers through personal contracts in different forms, the implication of which is the dismantling of the rigid limits common to workers and management and prevention of the construction of industrial democracy. While all are working to strengthen political democracy, in the socio-economic sector we are facing the phenomenon of the creation of a dictatorship of market forces.

The ILO is the universal expression of an organization whose ideal is democracy. If this principle is not fundamental for scholarly people, then we all, governments, employers' and workers' organizations must afford industrial democracy and the partnership between workers and employers the correct priority, while recognizing the changes occurring in the economic world. There are employers who believe that the implementation of a personal contract will allow them to release themselves from socio-economic constraints, which the community cannot fail to take into account, such as social security, the prevention of unemployment, protection from arbitrary dismissal, fair wages and working conditions, all of which ensure the dignity and liberty of the workers.

The international Convention on the subject of contract labour to be developed following the initial discussion is intended to protect those workers employed in this legal framework and to guarantee that any administration and any economic initiative will take into account that we are referring to human beings and not to objects which can be used and cast aside at the will of the provider of the work. The short-term profit derived from such exploitation is finally charged to each and every society, which pays in the costly terms of violence, crime, drugs, prostitution, poverty, illiteracy and, finally, the lack of ability and technological skills to compete with the workforce of any country and meet the challenges before it. The country is not able, in terms of resources or any other aspect, to correct the injustice generated over a number of years as a result of the exploitative action of a number of profiteers, whether private individuals or legally established corporations, who rely on foreign workers rather than on their own native workforce.

The rule of personal contracts is distinguished by a facet of fear and accountability, which reminds us of the story of "Uncle Tom's Cabin". Can human society, on the threshold of the twenty-first century endure such a regime of human relationships with its destructive effects on society?

It appears to me that the ILO's reply and that of the participants in this distinguished gathering must be "no" to exploitation, and I am certain that this is the proper reply for us all.

The phenomenon of personal contracts in its exploitative dimension has all the attributes of modern slavery and it would be advisable for us all to join hands before it is too late and make sure it is removed from the world.

This report and Convention, which I hope will be adopted next year at the end of the deliberations, will establish an appropriate wall to separate between humiliating exploitation and human dignity and freedom, between a wretched life and an honourable one, between democracy based on hope with a belief in a better future, and a work regime of dispossession and exploitation.

In addition to my support and the support of the Histadrut, the General Federation of Labour in Israel, on whose behalf I speak, for the wording of this Convention, I would like to bring to your attention an experiment I have initiated dealing with this difficult problem in a different way through personal contracts within the framework of collective agreements. This addresses the three subjects weighing heavily on the employers, without ignoring the changes in the national and international economy. I refer to the establishment of a special standard for a group of workers specified earlier in the collective agreement as regards recruiting, the termination of worker/employer relations and the possibility of a reward in addition to that established in the collective agreement. It must be clearly understood that the provisions of the personal contract must not be less advantageous than the workers' rights established by the relevant collective agreement.

My proposed experiment is intended to safeguard both the human dignity of workers and their basic rights and the flexibility and the demands that employers are interested in acquiring. A correct balance between both aspects is the appropriate recipe.

If this idea, which was not turned down immediately by Israeli employers, materializes it will be possible to add an important layer to the Convention under discussion, supported by all of us.

I have begun my task with this initiative and I hope that after the final ratification of the Convention and its Recommendation, we will be able to turn to its enhancement in this additional direction.

Mr. HESS *(Employers' adviser, Germany)* — The German Employers cannot agree with the Proposed Conclusions because they are formulated on the erroneous basis that contract labour should be dealt with by a Convention or by a Recommendation. We believe that this is impossible. Today's deliberations, I believe, have brought it home and spelled it out clearly: efforts to determine rules and regulations for contract labour have failed. They are more confusing than anything else. A standard whose reference is set within a vacuum does not help. The political signs that flow from it are also very confusing. Outside the ILO, such signals would be interpreted as contrary to labour market flexibility and adaptability. And divergencies did emerge during our work in the Committee.

Unfortunately, the readiness to deal with these diversities is not very evident. The fact that the objective seemed to be set from the beginning meant that there was little scope for any alternative. In the end everything has been left rather in the air. If account is not taken of the views expressed by the Employers, difficulties of understanding will inevitably result.

We can now predict that a new Convention on contract labour on the basis of the Proposed Conclusions will probably not be ratified in the near future. I believe this can also be interpreted as a symbol that the ILO is not really following the right path in its standard-setting activities. This applies also to many other standards. However, I believe there is still time to avoid the worst.

Mr. POISSON *(Government delegate, Canada)* — I am presenting this statement on behalf of the following countries: Canada, Japan, Switzerland and the United States of America. We fully recognize the opportunity for standards directed at the protection of workers involved in the performance of work for a user enterprise while being in actual conditions of dependency or subordination with respect to the user enterprise. We hope all parties involved will consider the Proposed Conclusions which were adopted by the Committee on Contract Labour very carefully before we meet next year.

It is important that by the end of the next Conference we have a text that will allow for widespread support. In particular, we feel that the issues involving adequate wording and consistency as well as precise scope with regard to bilateral and triangular work relationships will need to be resolved. The next Office report on contract labour will hopefully address these concerns as well as others expressed in the Committee's report.

Should these problems not be resolved, we would have to give serious consideration to the form of the instrument. It is, therefore, with this comment on record that we will not oppose the adoption of the resolution to place this issue on the agenda of the next Conference.

Mr. ANAND *(Employers' adviser, India)* — In the forum this morning I stood under your shadow to seek promotion of job creation. It is my painful duty in the afternoon to stand here to prevent job cremation. I think that it is a very painful duty and no pleasure to participate in this debate. It is a painful duty at this late stage to record dissent to my esteemed colleague, the Chairman of the meeting, for his cosmetically dressed presentation of the environment of the Committee and my opposition to a proposition of monumental lack of wisdom and an unratifiable instrument developed, as aptly indicated in the Committee, by the esteemed Committee Chairman himself and of whose profound intellect I have the highest regard and respect, "in an environment not conducted in the spirit of tripartism based on mutual trust and understanding".

Many governments had expressed, more than once, disappointment at the fact that confrontation seemed to have taken precedence over consensus. In fact, many of them are already having second thoughts on the adopted instruments. Obviously and without doubt, prospects of ratification will remain diminished. The Director-General, as most of you know, is yet licking the scars left by the debate on home work instruments last year.

This apart, presumptuous propositions woven in the two reports — the debate documents — lacked credibility, having been distorted to be presented as a majority view in response to the questionnaire. Equally, if not more, out of 174 Members of the ILO, only 84 have replied to the questionnaire. An apparent minority. Equally, if not more, numbers already stood disenchanted with statistical gimmicks and exercises in futility, and they did not bother to reply, all going their own way. However, only 74 out of 84 favoured an instrument being adopted, others opposing it conceptually. Among those in favour of an instrument, only 34 opted for a Convention with a Recommendation. Abstraction of these 34 governments will thus hold all the 174 Members to ransom, and it is all in the name of democracy. What a democratic approach! But I am not surprised at such an approach in an establishment indoctrinated by beliefs, ideological and abstract, in the seven decades. They decline to see the twilight of change, both on the ground and on the horizon. My extreme regret is that many Government representatives, including those of my own country, knowing the difficulties faced by the governments in ratifying many such instruments, fell prey to the intrigue. What is that intrigue: to give the employers the core instruments of job creation — a bad name so as to socially hang them in the public eye? Some, by nature being bureaucrats, may be escapist in accountability and may do so; but employers, much less those of us coming from the developing countries, will not shy away because undoubtedly, in countries of our diversity, defining contract labour so as to attract universal acceptance is an impossible task. A definition according to local and federal law and national practice alone, would imply flexibility, diversity and freedom of action in a democratic but workable spirit.

And it is for this reason, besides many others, a number of us even though willing to accept advice from the Director-General on experimenting with the efficacy, initially of a Recommendation, as indicated in his Report to this Conference, could not go along the route adopted by the Committee; since, contrary to the Workers' group belief, Office research in this area clearly exposed them as having insufficient knowledge and distorted conceptualization to provide a foundation for a durable instrument planning. I do not think facilities internally available to the ILO, like the research wing of its own departments, or the International Institute for Labour Studies were availed at all to attain objectivity.

We are certainly for formulating provisions, I might clarify, as my colleagues have said, to ensure appropriate protection without loss of, or threat to, subsistence-level, protected jobs in countries like mine, where millions starve and more than a million stay put, below or around the poverty line, despite a series of government-sponsored ameliorative measures. Moreover, we do actively and earnestly support measures to protect against sham arrangements, fraud or illegal practices adopted to avoid legal obligations, but all this at country-to-country and local levels. We refuse to be coerced at the international level, through untenable research or technical exhortations or emotional pleas by so-called consultants, experts, or even casually recruited advisers.

As I said, the Office proceeded on a wrong and perverse assumption, without seriously inquiring from any country of substance as to why contract labour is on the increase. Has the inflexibility and rigidity of the labour laws also something to do with it? Why is it that the State continues to be the biggest employer of contract labour, which is so at least in my country? Why is it that even though India passed a contract labour abolition law over two decades ago, its enforcement is throttled through interventions of court proceedings? Yet, the proposed instrument envisages and relies on judicial courts to settle this issue which is definitely, like child labour, a social one in character and cannot be wished away and liquidated overnight by statute promulgation. The proposed instrument may only attract dust on the labour department shelves, as ensuring that ratification is not their cup of tea. Many more departments and a multiplicity of authorities are involved in each country. They too have stakes and responsibilities. Many of those who vote and even those who do not vote for their governments in Geneva have in this case neither the responsibility nor the stakes. Employers, I submit, will not be a party to this shadow boxing and it would be a sheer dishonesty to do so.

Before concluding, I must record my sincere appreciation of the new awakening reflected in the thought process of the outgoing Director-General, Mr. Hansenne, and I quote from his officially released summary.

"Recommendations are an extremely efficient means of action, provided that their full potential is exploited. *If Recommendations are to regain their rightful place, they should once again be considered as instruments in their own right; ...* By definition, Recommendations do not impose obligations but they can still have a strong influence on social policy and legislation if they are subject to a real and efficient follow-up, which has not been the case until now."

In a dogma-influenced and regulation-struck environment, easy recourse has been taken so far to statutes and Conventions, without simultaneously effecting the prerequisite of a socially progressive conceptual base. I hope that advisers of the Director-General, who have obligations to the future generations, after his retirement, both in the ILO management and official groups and those who have been nurtured and cultivated into formulation of vaguely worded, somewhat coercive-looking instruments of no social good during the past decade, will profit from Mr. Hansenne's reflections and some other parting words based, as these are, on commitment, experience and ground realities. "It is never too late to see the truth" they say, and I hope this is not a plea in the wilderness.

To conclude, I hope that both the International Labour Office establishment and the Governing Body will ponder over the issues and the futility of the exercise done both in the last and the current year, before the subject of contract labour is listed for discussion a second time. Meanwhile, I do oppose the adoption of the so-called Convention-cum-Recommendation and also the proposed resolutions, the instruments which, in fact, are a monument of employment, retardation, poverty promotion and job cremation. The only consolation is that, being a classic case of untenable end cherished by questionable means, it is totally non-ratifiable, and probably will be confined to the dustbin or the shelves of the labour ministries.

Mr. SUZUKI (*Government adviser, Japan*) — The text in front of us contains a full set of the problematic issues. It proposes enormous and binding tasks to be tackled by the Government, which is already burdened, and it presupposes that the Government can solve all the problems of contract labour. It proposes an impossible, at least to our employers, definition of contract workers for very heterogeneous families of the ILO. It ignores our labour law systems and practices, it also ignores the fact that our workers are knowledge workers and entrepreneurs who seek independent performance for their excellence.

The text in front of us does not suit the varieties that exist, or the systems of classification. While adopting the report, I wish to make a few reflections on some policy aspects. I believe the pattern of standard setting on the question of contract labour was the point challenged, that is to say, whether any appropriate definition could exist. For variety, for very heterogeneous member Governments, the answer provided by the Office was a promotional Convention containing only the principles to be achieved and leaving it to the discretion of member Governments to develop a proper method of implementation. But an important question remains, and that is, whether it makes sense to use a Convention as an instrument merely for setting policies, because there is the danger of undermining the real effect of the ILO Conventions, which have to be legally applied. Therefore, the question in my mind is whether it is better to separate the legally binding standard-setting and policy-setting exercise? There is no easy answer to this question.

A Convention, once ratified, becomes subject to ILO supervision. This is why a number of ratifications are considered a criteria for measuring the success of a Convention with which the Office and the Workers' group find themselves comfortable. But this perspective is misleading, particularly in times of changing circumstances, such as the emergence of different types of contract labour.

Ratification quite often has nothing to do with actual implementation. The fact is, the current number of ratifications is around 6,000. The monitoring instruments, like the reporting and complaint procedure, are simply not in a position to cope with all kinds of shortcomings of a heterogeneous nature on the part of member Governments, although the Committee on the Application of Standards and the Committee of Experts on the Application of Conventions and Recommendations are doing excellent work.

We need to remember that the success or even functioning of the ILO monitoring system depends, to a large extent, on the cooperation of member States. As it is time for us to increase the efficiency of our monitoring system, it is absolutely important for us not only to limit the number of Conventions, but also to develop a different strategy for the fixing of policy goals. Instead of focusing on the legislative approach, it is desirable to achieve a more educational and guideline-oriented perspective, even on the question of contract labour.

In this context, one should be very clear that the decisive quality of policy goals is not their character of being legally binding, but it is the fact that it is agreed upon by the tripartite constituents.

We need to improve the credibility and prestige of the ILO. I believe, therefore, such a shift of focus from the legalistic to the educational and guideline-oriented perspective would make it self-evident that problem-solving of contract labour issues in different countries at different levels of development cannot be confined to the level of law under legislation, but should be considered as a continuous process and continuous task for those who are involved in the question in respective countries, that is to say, we are the one. Therefore, on this ground I do not support any ILO instruments on contract labour.

Mr. VELLA *(Employers' adviser, United States)* — When the first discussion on contract labour began earlier this month, the United States Government representative reviewed four major objectives that would need to be fulfilled in order for there to be a contract labour instrument that would be acceptable. The employers of the United States agree with those objectives. First, the instrument would need wide tripartite support. Second, as far as practical, the instruments should be consistent with national law and practice of the vast majority of ILO member nations. Third, the instrument should increase, not decrease, employment opportunities. Fourth, the instrument should provide for and protect the right to contract independently. Unfortunately, we met none of these objectives.

It was apparent from the beginning of our discussions that the term "contract labour" had a wide range of interpretations and understandings from country to country. Even before there was a clear definition of contract labour, our Committee decided that the instrument should take the form of a Convention. The result is that we have a proposed Convention that does not have wide tripartite support.

Unfortunately, half of the governments registered in the Committee did not attend the discussions on a regular basis and only about half of those governments that did took a position on the proposed Convention and Recommendation. For the reasons that I will discuss in a moment, it is critical that governments, particularly from developing countries, participate in our tripartite deliberations next year, for the future of their people and their employment prospects and economic well-being are at stake.

The proposed Convention and Recommendation are not consistent with the law and practice in many countries and, in fact, establish for many countries new standards which contradict national law and practice. Although the objective of the instruments is to protect contract workers, they actually have the opposite effect. The proposed Convention and Recommendation include, in great detail, restrictive elements while sacrificing needed adaptability to rapidly changing circumstances in the world today.

In the developing and growing global economy, it seems apparent that countries with flexibility are prospering and many countries overburdened with restrictive laws have much higher unemployment and are floundering economically. Ironically, it is these latter countries that are controlling the debate. The proposed Convention will not create a single new job, but it has the real possibility of eroding jobs in member States that ratify the Convention unless it is amended next year.

The restrictions placed on independent and commercial contracting and the establishment of joint liability on the enterprise using contract labour for legitimate, necessary functions, will severely and negatively impact on some of the world's greatest users of contract labour, including governments which will be asked to ratify the Convention after next year.

Employers are not in favour of bogus or sham contracting relationships intended to avoid a relationship of employment and deny rights to workers. The proposed Convention, however, goes clearly beyond eliminating this problem and creates unnecessary and adverse restrictions on a user of contract labour. This proposed Convention, if unchanged next year, will discourage investment in any ratifying country, ironically harming the very workers that are intended to be protected by it.

We are very sceptical that the needed changes will be made next year. For these reasons we are opposed to the international regulation of contract labour and we also oppose the resolution setting this item on the agenda for next year's session of the Conference.

In the coming year, however, we urge everyone to take a close look at the adverse consequences of the proposed instruments on workers' well-being, employment prospects and economic growth. The credibility and relevance of the ILO's standard-setting process are at stake.

Original Spanish: Mr. PIVEL *(Employers' adviser, Uruguay)* — First of all, may I say that this text is agreed to by the Latin American delegates members of the Committee. We would like to indicate our full concurrence with what has been said by our Vice-Chairperson, Mr. Noakes.

Wishing to express the viewpoints of the Employer members from Latin America sitting on the Committee and to address certain issues of importance dealt with in this Committee.

We think it essential to consider the future treatment of the subject from today until June 1998, with a view to filling in the major lacunae reflected at the first reading both in the nature and content of the result produced. It is our unanimous opinion that it is not appropriate to deal with this aspect of labour relations at this time and we should by all reasonable means ensure that no inapplicable, dead-letter text which grants no protection to workers, but which unduly shackles this type of relationship, is created. Such would be the case since very few States would ratify a text of this nature.

This kind of approach is merely in dissonance with present thinking. The Office's efforts to ensure that it continues to be functional must be reflected in future deliberations, particularly on this subject.

Another priority for the employers is the sustainability and, if possible, the generation of real work which is obviously at a critical juncture. Among other things, we should avoid the drafting of vague definitions, or definition of new categories of workers because all this gives rise to conflict. We therefore call on governments, the very few who assumed their responsibilities, to be steadfast and for those who, by absence or abstention, failed to carry out their guiding duty, we call on them to think how this attitude casts a serious blow to tripartism which is so often invoked, but which is not always adequately secured by government action.

We cannot but state that in this session of the Conference, in our Committee, we were working on a bipartite basis which was the result of the previously mentioned negative attitude adopted by the general administration of governments and I would like to comment on certain aspects.

We cannot seriously call it a vote if only 14 per cent of governments vote, particularly when there are major abstentions and a high degree of absenteeism, of over 56 per cent. In fact, only some 25 per cent of the delegates participated in the vote. This is even more serious if we consider that the United States of America, for instance, has one vote, and the European Union has 15 and that their joint voting strength can settle a very narrow vote.

Abstentionism and absenteeism of governments weaken democracy because they do not permit a real majority to be defined. Is it necessary for MERCOSUR, the Andean Pact, NAFTA or other regional American groups to coordinate their votes as does the European Union. If this were the case, then we would have regional representations and that would put pay to tripartism.

Formally, the European Community has the indisputable right to act as it did during the discussions. But we insist that this imposes a responsibility on the other governments who are either absent or who abstain.

ILO meetings are intended to defend our countries from poverty and unemployment, to defend workers through consensus and not on the basis of inapplicable non-ratified ill-born instruments. Perhaps inadvertently governments set up pseudo trade barriers to the free and rational operation of world trade.

For all that I have said, which far from exhausts the subject, we appeal to the feelings of responsibility in each of us to endeavour to seek more rational labour relations and I would add that both workers and employers have shown our entire readiness to assume our respective commitments, we ask this of all governments who were lax in assuming their responsibilities.

We cannot think otherwise, let us say, if we the employers were to abstain or not look after our own businesses. We cannot allow this to happen in our businesses and we hope that governments will not allow this to happen in 1998.

Mr. JOHANNES *(Government adviser, South Africa)* — Speaking on behalf of the Government of South Africa and not here as the Reporter of this Committee, I would like to say that if you look at the report, one of the things which has come out very clearly is that the South African Government is very much in favour of the Convention and the Recommendation. That is our position. Last year when I was the Reporter for the home work Convention, there was a lot of discussion around the question of the definition of home work and if you remember, one of the definitions that was given by a Canadian Employer was the possibility of a scenario where he was sitting on his yacht somewhere on a lake surrounded by snakes, working by himself and regarding that as home. There was clearly a very bad understanding of what a homeworker was. It sounded more like Crocodile Dundee than anything else.

We want to say here very clearly that if we look at the history of the workers in South Africa, there has been a very hard and very difficult history for the workers. Our Government is not opposed to workers' rights in our country and that is why we have signed the declarations and many of the human rights Conventions which will make sure that the workers in South Africa are, and will remain now in this new situation, protected.

What we must very clearly say is this: that when our workers were being killed, maimed, brutalized, tortured, made to disappear, whatever, because of some of the "business as usual" approaches by some employers internationally, we found it very difficult. I think it is in this context that I want to say that while questions have been put surrounding the definition of this Convention, I want to put some of the employers' logic on its head and turn it around.

There is no cure for cancer yet. There is no cure for HIV yet. But are researchers and doctors supposed to give up and say that when we have a definition of cancer and HIV, when we have an international consensus, then we will begin to look for a remedy?

Cures are being tested, cures are being taken on board and work is being done to try and find a solution. We have not come to Geneva with a ready-made solution, with a ready-made answer to this whole question of contract labour but at the same time what we refuse to do is to go into a trance of economic euthanasia where we refuse to address this question. Although this podium has been used as a type of confessional in the script of the employers, we want to say that for us it is very important that we find some type of compromise and some type of solution.

We have not been part of those governments which have been holding the majority to ransom, as some of the employers have claimed. They have said that a very few governments held the majority to ransom. We certainly resent that. We repeat that what we have come here to do is to try and find solutions to a very serious problem, the question of contract workers.

There is a lot of talk about this Convention stopping the creation of jobs. Employers are interested in reducing costs but what about the workers? We cannot understand why employers argue in this context that this Convention will not create jobs but that it will erode employment. As the South African Employer pointed out, 30 per cent of workers are unemployed in our country. But this is not because of the present South African Government. It is because of old policies which were organized in our countries, old policies which prevented progress from being made.

I want to say a couple of words about the question of globalization and flexibility. It seems to be the panacea and the answer to all the ills of the world. For us globalization needs to be discussed, needs to be understood along with the effects that it is going to have, especially on those Third World countries which are in a weaker position in many cases to defend themselves economically. In many cases they find that globalization really means that we must sacrifice our workers to the profit margins of those who come to our country.

We also have to defend and protect the workers in South Africa and that is why I repeat that we are not an anti-worker Government, we are not an anti-employer Government. But we are saying that employers in South Africa have a comparative advantage over those workers, many of whom do not know where the next plate of food is going to come from. Those people are uneducated, illiterate, but now our Government of the people is trying to address this. And that is why we have a moral obligation here to take a very strong public stand and say that next year we will come fighting with even better arguments. We will come back fighting here with even more research behind us, and this issue, as far as we are concerned, will not be put to rest until we see a Convention supplemented by a Recommendation next year.

Mr. AHMED *(Workers' delegate, Pakistan)* — At this late hour we believe that the debate which has been going on in the Committee for just over two weeks should not have been reopened at the time of the presentation of the report. However, some of the distinguished Employers' delegates have taken the floor one by one and raised various issues which have brought me to this rostrum.

First I must congratulate the Chairperson and the Vice-Chairpersons, Mr. Parrot representing the Workers and Mr. Noakes representing the Employers, as well as the distinguished representative from South Africa, the Reporter, and other esteemed members of this Committee who have brought the report before this forum and I commend their work.

Some of the distinguished Employers' delegates have stated that with the globalization of the economy we need no standard on contract labour. Some have accused the governments, some have ignored the governments, and the employers have conspired to bring this in the form of a standard. Others have stated that no tripartism exists therein. Some of them said the bureaucrats are seeking escapism by not taking a stand. And some even resorted to saying that the ILO is a manufacturer of standards.

With due respect to all those who have spoken, I have to remark to them that this is a very important forum, where we all, governments, employers and workers, are together in a unique tripartite manner in a unique institution of the world. And not only the workers are protected against the sometimes arbitrary actions of governments, but also the employers, who constitute one of the social partners, against arbitrary acts of governments, and that is the reason that the freedom of association principle not only gives a guarantee to the workers, but also to the employers. Therefore the Employers should have taken the trouble somehow to maintain the dignity and respect of this great Organization and not to turn it in to such a forum of accusation.

And therefore I would fully endorse what the distinguished Government delegate of South Africa, who acted as Reporter, has ventilated as the position of South Africa, but also of many other governments who are otherwise silent, but I think they consent to what he has said on this very subject. Some have said that no research has been carried out. With due respect, I come from a Third World country. In our own part of the world he said the ILO has done nothing. I must remind them that no less than two months ago in our part of the world, in New Delhi, there was a tripartite seminar, to which people from the country were invited, and there were representatives not only of the workers and the Government, but also of the employers, all of whom contributed and came to a conclusion. And that was I think one of the ways in which research and dialogue have been promoted, not only at the national level, but also at the regional level. We see that the Office is quite independent and is objective and therefore we appreciate the work which they are carrying out for the welfare of the workers.

And secondly I must say how this great institution has been achieved. Those who know the history of the ILO, they know after the Industrial Revolution how the misery of the workers multiplied, how the workers were treated as chattels and how a social revolution took place in many parts of the world, even in Europe. And that was the focal point in bringing about not only economic prosperity but social progress and social peace. At the end of the First World War in 1919 it was specifically declared that international peace cannot be granted unless it is based upon social justice. For that very purpose the exploitation of the workers had to be eliminated and that could only be done by ensuring them healthy working conditions, freedom of association, a fair wage and elimination of discrimination, not only vis-à-vis workers, but also children and women. These principles were again reiterated after the Second World War through the allegation that labour is not a commodity and that it has to be provided with economic security. Now in the face of the globalization of the economy, if our distinguished employers should plead that the workers should continue to be treated as chattels, or without any regulations or security, I think they are mistaking the twenty-first century which we are approaching, where people's expectations and aspirations for a better quality of life have multiplied, not only for them, but for their children, for the nineteenth century where workers were subject to exploitation at a time of industrial revolution.

It is the duty of the State and it is the duty of the International Labour Organization, which has been established through tripartite consent to promote social justice, to promote improved working and living conditions for workers and to arrange for their safeguard against exploitation. This is why the principle of democracy has been enshrined in many constitutions — democracy to safeguard the rights of the workers and improve their working and living conditions. Therefore, in the face of the globalization of the economy, when deregulation and structural adjustment are taking place in many parts of the world, particularly in the Third World, it has become all the more important for the State to safeguard against various exploitative forms of labour through standards such as those relating to contract labour, as we have seen in the Committee of Experts.

I would like to draw your attention to a case in a Third World country where, the Committee of Experts has specifically pointed out, women are being exploited for long hours for very meagre wages, doing very hazardous work at a power station. Those women are not provided with any form of safeguard by the State as they are merely subcontracted workers. Is it not the responsibility of the State to provide protection to such women who are subject to long working hours, who are subject to exploitation, who are compelled to work in hazardous conditions and for low wages? It is the responsibility of every modern, welfare and democratic State to come to the rescue of such workers and to end such exploitative practices. Therefore, I think that the vision of the Governing Body to place this item on the agenda was very well thought out and deserves commendation. The Employers and governments were also involved in this discussion. Therefore at this juncture we fully support that in the new era of the globalization of the economy and the liberalization of trade, there should be teamwork between workers and management with the welfare of the workers in mind, to ensure their rights and also to raise productivity through mutual cooperation, not only exploitation. Therefore we rightly believe that after what was reiterated by all the member States at the Copenhagen Social Summit — that workers' rights are to be promoted by providing them with healthy working conditions and ensuring their rights — this standard is quite consistent with the ILO objectives, the ILO principles and the Declaration of Philadelphia. I think that all of use who believe in social justice, who believe in the working man and woman, who condemn exploitation, they should support the adoption of the good work by the members of the Committee and adopt this report which will then be discussed at length next year.

Mr. SUTTON *(Workers' delegate, Australia)* — This debate that we are going through at the moment is a fundamental debate. It is about whether the ILO is to remain relevant to the radical changes that are occurring in the world of work. In fact it is about whether the ILO can keep pace with the radical industrial changes that are unfolding across this planet. I believe the ILO is capable of keeping pace with the radical changes occurring, and of course we must understand that the model that did exist in yesteryear, the model of the large user enterprise, a stable enterprise with a very large stable workforce is yesterday's model.

The ILO and the instruments that have grown up in many respects dealt with yesterday's model. We are now in a position where we must recognize today's realities because if we do not I am afraid this very important body will cease to be as relevant as it needs to be to workers across the world. Because contract labour is a rapidly growing phenomena in every country across the planet.

I would like to give a couple of examples, I am from a developed country, Australia, I am from the construction industry in Australia. In my industry for every year over the last 15 years we see production in the industry going up, we also see the reverse, the number of workers in the industry, let me correct that, the number of employees in the industry going down. The tax department in my country has noticed this trend too, because they know that workers are not disappearing from the construction industry, their eyes tell them that workers are out there everywhere. What is disappearing is employees. More than half of the workers in my construction industry are no longer regarded as employees, they are regarded as some type of self-employed commercial contractor.

But let me give you a more radical example, I am aware of the British construction industry. In the British construction industry about 90 per cent of the workers are not employees and this has shifted from about 60 per cent to 90 per cent in the last decade. The way the British construction industry is going it will become the first industry in that country, very soon, that has no employees. It has workers, it has more than a million workers but no employees. It has billions of pounds of production but no employees. ILO instruments do not apply, by and large, because these workers have been taken out of the classifications that traditionally applied and the employers tell us that these workers are now free of any regulation. This example I give of the construction industry is but one. These trends are occurring right across the planet in developed and developing countries.

Now the Employers tell us through their eloquent spokesman that there are all sorts of problems, they give us three basic arguments: they say this contract labour proposition, it is too complex, we cannot understand it; secondly they say everything is fine now, keep the status quo, keep the existing categories; and thirdly they say, if you do anything it will destroy jobs.

Let me deal with the third of their arguments, in my country, in my experience, employers say the jobs will be destroyed whenever trade unions or workers try to improve their standards. I believe it is the same right across the globe, that is the constant answer of employers whenever we seek to regulate or better the conditions of workers. I do not believe it holds any weight.

Let us look at their two other arguments, they cannot understand it, it is too complicated. I do not believe the employers are silly, I believe they have got a lot of intellect, I believe they can understand what is going on very well indeed and what they do not want is an instrument that recognizes the radical changes that are occurring out there in the workforce. They do not want a mechanism put in place that will bring some regulation to a large, growing number of workers who are being taken away from any form of regulation, so they will fight tooth and nail to prevent any instrument. Tactically it is a fight they are very interested in because they want unregulated workers. That is what they wanted when the ILO was set up, that is what they still want today. Workers that are at their beck and call and if the way to do that is to disguise the relationship or paint the relationship in a way that the worker legally is not considered an employee, yet the worker in question is absolutely dependent, absolutely subordinate, then we have to recognize that, and we have to do something about the growing reality.

The third argument is that everything's fine. The current categories of employee and commercial contractor are fine and adequate. Well, clearly they are not, because there is a growing, a very, very large number of workers who fit into neither category. Employers use every legal trick in the book to ensure that workers are taken out of the employee status and, of course, they, in no sense, many of these workers can be considered true commercial contractors. The last point I want to deal with is the Employers' spokesman when he got up here said that they were very much committed to tripartism. Well, you would not get that if you participated in the work that we have participated in over the last two weeks, because if they are interested in tripartism, why did they seek to delete every item from the instrument? Why did they seek to obstruct? Why did they seek from the very outset a lack of constructiveness.

The Employers do not deny that radical changes are occurring in the workforce. They admit that radical changes are happening. I say it is incumbent upon the Employers, particularly Employers who say they believe in tripartism, to come to this place with a constructive approach. If they disagree about definitions, if they disagree about terms, then put up a constructive alternative. Do not be destructive. Genuinely participate in tripartism and participate in a process of making the ILO as relevant as it must be to the radical changes that are now occurring out there in the workforce.

Mr. ZAINAL *(Workers' delegate, Malaysia)* — This report is presented to delegates for discussion and adoption. I have reluctantly taken the floor because I believe we have been discussing this issue at length for the last two weeks, sometimes to very late hours in the evening we were still discussing the issues related to contract labour. I never knew that the Employers would come back here and speak again about what had been agreed at our meetings over the last two weeks.

I think that we have discussed the issue at length and I believe at this juncture we should approve the Proposed Conclusions and resolution. Let us take this issue up next year for discussion. Perhaps the Employers will still have bullets to fire at the Workers at the next session, at next year's discussion. I and my fellow Workers' delegates fully endorse the adoption by the Committee on Contact Labour of its report at Saturday's meeting, and we hope that all delegates will also support it.

I would like to mention two issues. First, as workers from developing countries we are concerned by the issue of contract labour. Contract labour is a genuine matter for us to discuss because a number of workers in the contract industry have been exploited by employers. There is no protection, no proper remuneration, no union protection, no collective bargaining to protect these workers' interests. Where are they going to be if there is no kind of protection for them, if there is no Convention? This is the reason why the workers in developing countries fully endorse and fully support a Convention for contract workers to provide contract workers all over the world with proper protection.

Second, this issue was also discussed prominently at the Asian Regional Seminar in New Delhi where four sectors of contract labour were discussed — plantation workers, building workers, textile workers and public sector employees. The report and conclusions of this seminar were adopted and it was agreed that there should be an ILO Convention to protect this sector of workers. Therefore, I appeal to governments, and in particular to Employers, to recognize that we are all human beings. We are living in the world together. We are building our own society, we are building our lives. Today you are employers, you do not know if in the next generation you will become contract workers too. Let us think properly as workers. Let us support and endorse this report. If the Employers want to argue this issue, let them come back next year at this forum where the matter can be decided by a majority and the decision accepted.

The PRESIDENT — We shall now proceed to the adoption of the report. The adoption of the report involves adopting not only the summary of the Committee's discussion contained in paragraphs 1 to 186, but also the proposed Conclusions and the resolution submitted by the Committee. May I take it that paragraphs 1 to 186 of the report are adopted.

(The report is adopted — paragraphs 1 to 186.)

We shall now move on to the adoption of the proposed Conclusions. There is an error in the paragraph numbering of the first page of the Conclusions in the English version. Paragraphs 187, 188, 189, 190 and 191 should be numbered as paragraphs 1, 2 3, 4 and 5 respectively.

May I take it that the Conclusions proposed with a view to a Convention and the Conclusions proposed with a view to a Recommendation are adopted?

(The proposed Conclusions are adopted.)

Finally, may I take it that the resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Contract labour" is adopted?

(The resolution is adopted.)

We have dealt with the report as well as the proposed Conclusions and the resolutions submitted by the Committee on Contract Labour. I wish to thank the Chairperson, the Vice-Chairpersons, the Reporter and the other members of the Committee as well as the secretariat staff for their excellent work.

(The sitting adjourned at 5.45 p.m.)

Twenty-first sitting

Thursday, 19 June 1997, 10.15 a.m.

President: Ms. Keltošová

SECOND, THIRD AND FOURTH REPORTS OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

The PRESIDENT —The first item on our agenda today is the consideration of the second, third and fourth reports of the Credentials Committee, which are contained in *Provisional Records* Nos. 7B, 7C and 7D respectively.

I invite Mr. Salmenpera, Government delegate, Finland, and Chairperson and Reporter of the Credentials Committee, to present the reports.

Mr. SALMENPERÄ *(Government delegate, Finland; Chairman and Reporter of the Credentials Committee)* — I have the honour to present, together, the second, third and fourth reports of the Credentials Committee, which appear in *Provisional Records* Nos. 7B, 7C and 7D, respectively. They contain the Committee's conclusions on the 11 objections submitted to it concerning the nomination of Workers' delegates and advisers, and of an Employers' delegate in one case.

I have to report that the Committee found that eight of the 11 objections had at least some foundation. There was only one case, that of India, in which the Committee considered that the Government had fully complied with the obligations established by the ILO Constitution for the nomination of its non-governmental delegate and advisers. In two other cases, the Committee could not reach any conclusions as the information available did not make it possible to decide between conflicting claims concerning the leadership of the organizations concerned.

In the most serious of the eight cases, the Government had so totally failed to comply with the constitutional requirements that the Committee unanimously considered that the credentials of the country's Workers' delegate should be invalidated. It is not actually proposing invalidation, but this is solely for the practical considerations that are referred to in the first case dealt with in its fourth report.

The constitutional requirement is, of course, for governments to nominate their Employers' and Workers' delegations in agreement with the "most representative organizations" in their country. But what happens if a country has two or more such organizations, and they cannot agree on the nomination? The other objections mainly centred on this problem. The answer given by the Committee, in line with the precedents, was that the government should base its decision on the proposal of the organization having the greatest representative character. But in many instances the governments did not have the means of knowing which was the most important of the organizations as the necessary statistical information either had not been gathered or was unreliable. To overcome this difficulty, some of the governments concerned based their decision on a system of rotation. However, the Committee, like its predecessors, stressed that a system of rotation can only be used if the most representative organizations agree. One further defect this year was that some governments proceeded to the nomination of the delegation without consulting the organizations concerned, and without attempting to get them to reach agreement.

From what I have just said, it can be seen that the Committee took account of the difficulties facing the governments concerned when it considered each of the objections before it, and made a distinction between the less serious and the more serious cases. This is precisely what it will be required to do next when, as a result of one of the amendments that the Conference has just made to its Standing Orders, the Committee will consider complaints relating to the non-payment of the expenses of delegates and advisers. The Committee welcomed the formalization of its competence in this respect.

Finally, I should like to thank the Conference for giving me this new and very interesting experience of membership of the Credentials Committee. For me it was a new exercise in tripartism, not only because the Committee's main role is to defend an aspect of tripartism, but also because of the harmony that existed between the Chairman and his two colleagues, Mr. Gray from the Workers, and Mr. Funes de Rioja from the Employers. I am very grateful to both of them for enabling me to profit from their years of experience in the Committee. Special thanks have to be directed to the secretariat which, with the excellent leadership of Mr. Dominick Devlin, spared no effort in facilitating our work.

The PRESIDENT — As the second, third and fourth reports of the Credentials Committee have been adopted unanimously by the Committee, the Conference is merely called upon to take note of them.

(The reports are noted.)

I would like to thank the Officers and the members of the Committee as well as the staff of the secretariat for the excellent work that they have done.

REPORT OF THE COMMITTEE ON THE APPLICATION OF STANDARDS: SUBMISSION AND DISCUSSION

The PRESIDENT — We shall now consider the report of the Committee on the Application of Standards, *Provisional Record* No. 19.

I call on Ms. Mihes, Government delegate, Romania, and Reporter of the Committee on the Application of Standards to present the report.

Original French: Ms. MIHES *(Government delegate, Romania; Reporter of the Committee on the Application of Standards)* — I have the honour to present to you the report of the Committee on the Application of Standards. The Committee is set up under article 7 of the Standing Orders of the Conference and is responsible for examining the agenda item entitled "Information and reports on the application of Conventions and Recommendations". The report is in two parts. Part One is the General Report and Part 2 is a record of the discussion of all the cases examined by the Committee.

In accordance with its usual practice, the Committee began its work with the discussion on general questions relating to the application of Conventions and Recommendations and on the way in which member States meet their obligations regarding standards under the ILO Constitution. It then proceeded to an exchange of views on the General Survey of the Committee of Experts on the Application of Conventions and Recommendations on labour administration.

Finally, and again as usual, the Committee discussed a number of individual cases concerning the application of ratified Conventions, the obligation to submit reports and the obligation to submit Conventions and Recommendations to the competent authorities.

The Committee once again took as the basis for its work the report of the Committee of Experts on the Application of Conventions and Recommendations. The Committee of Experts examines the reports from governments from a technical and legal point of view. Our Committee attempts to find solutions through dialogue within a legal and political perspective. There is thus a complementarity between impartial legal analysis on the one hand and tripartite dialogue on the other. In addition our Committee was happy, once again, to have the honour of the presence of the President of the Committee of Experts, Sir William Douglas, in the course of the general discussion and the discussion of the General Survey. This year, even more than usual, standards were at the heart of the Conference's work. Therefore it is hardly surprising that part of our discussion dealt with the subjects which were considered in the Director-General's Report. To a certain extent they were a prelude to the discussion which took place subsequently.

In this room, in the Conference plenary sittings the various views put forward in our Committee reflected those which were expressed in the plenary on standard-setting policy and the revision of standards and strengthening the supervisory machinery. The Committee noted that following the campaign to promote ratification of Conventions concerning fundamental rights, some 53 ratifications were registered. That figure is closer to 60 today.

The Committee also noted with interest the information provided in the course of the session on the large number of ratifications of fundamental Conventions, as well as of other Conventions, including for example, the Employment Policy Convention, 1964 (No. 122) and certain Conventions on health and safety at work. Even though these Conventions were not included in the list of the fundamental Conventions, the nature of the rights they protect is directly linked to economic and social development and their importance should not be underestimated.

The Committee not only assessed the situation of ratifications but also discussed denunciations. Making a denunciation is a serious undertaking which should be thought about carefully and governments concerned would be advised to seek advice before adopting such action.

I do not wish to go in further detail into all the other subjects dealt with in the course of the general discussion. I would merely like to highlight one or two of them and urge you to look at the report for further detail.

The regular supervisory system is based on the sending in of reports and therefore meeting this obligation is of the greatest importance. The Committee expressed its disappointment at the percentage of reports received and replies provided. Some members wondered whether the low figure was to be explained only by administrative difficulties, or whether there was not also a lack of political will.

At all events, the Committee as a whole urged the ILO to provide technical assistance where required, particularly through specialists in standards in the multidisciplinary teams. Emphasis was placed on training relating to standards and the hope was expressed that activities to promote standards would not be limited by budgetary restrictions at a time when the demand for such activities is increasing because of the globalization of the economy, the reform of labour policy and employment policy and the efforts to achieve democratization.

The question of contracts between the ILO and international and regional organizations was also considered by the Committee. The sharing of responsibilities should be maintained whilst pursuing collaboration with other organizations. This collaboration should be real, complementary and avoid any kind of destructive competition or rivalry.

Some members of the Committee expressed concern about the application of labour standards in export processing zones. They noted with interest the establishment of a special ILO action programme on social issues in these EPZs and they await the results due to be published this year.

There was also a discussion of the application of some Conventions such as those on employment policy, social security, health and safety at work, protection of wages and the prohibition of forced labour. I will briefly mention one or two aspects here.

First of all the Employment Policy Convention, 1964 (No. 122). Opinions on the causes of problems relating to employment and how to deal with them can vary, but there is a consensus on the fact that the objective of full productive and freely chosen employment is and should remain a fundamental policy objective for the ILO.

Concerning social security, there was a discussion about developments whereby certain social security systems are moving towards privatization. Some consider that such a development will make it possible to preserve the central provisions of the system; others believe that the fundamental principles of the organization and management of the schemes should be preserved or that privatization has no place in social security.

The Committee referred to paragraphs 74 and 75 of the general part of the report of the Committee of Experts on the application of the Forced Labour Convention, 1930 (No. 29). These paragraphs reiterate points of view expressed in 1994 on the forced labour of children and in particular their exploitation through prostitution and pornography. Energetic measures to combat this scourge are essential. In many countries child exploitation is the result of exploitation which exists because of poverty.

The International Programme for the Elimination of Child Labour (IPEC), which is mainly financed by extra-budgetary resources, is an example of a successful programme of practical activities for the application of standards.

The Committee gave the second part of its general discussion over to the General Survey of the Committee of Experts on the reports on Convention No. 150 and Recommendation No. 158 concerning labour administration.

Convention No. 150 contains general guidelines with respect to labour administration. Its flexibility and relevance mean that it can be applied to all member States. However, the discussion showed that despite this flexibility and relevance, the Convention has been ratified by only 39 States. The Committee hopes that clarifying the requirements of the Convention will open the way to further ratifications. In this connection I would like to mention the technical assistance offered by the Office through a programme designed to help governments to strengthen their national labour and employment administrations.

I have attempted to give you a brief outline of the general debate which in fact only took up a few sittings of the Committee. The majority of the Committee's time was spent on reviewing individual cases. As I have already indicated, the second part of the report is a record of the discussions on these cases. The considerable part of the report taken up by this will indicate the importance of the discussion and I urge you to examine it carefully.

The Committee made a choice of individual cases of failure to apply ratified Conventions on the basis of specific criteria. This year it had to revise slightly its selection procedures. You will be able to find the details of this in paragraphs 6 to 8 of the General Report.

I would draw your attention particularly to paragraphs 165 to 171 which deal with six cases of failure to apply ratified Conventions. The discussion on these cases can be found in the second part of the report. The countries and Conventions are as follows: the application by the Islamic Republic of Iran of the Discrimination (Employment and Occupation) Convention (No. 111); the application by Morocco of the Right to Organise and Collective Bargaining Convention (No. 98); the application by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention (No. 87); the application by Nigeria of the Freedom of Association and Protection of the Right to Organise Convention (No. 87); the application by Sudan of the Forced Labour Convention (No. 29) and the application by Swaziland of the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

Given the continued failure over several years to eliminate serious deficiencies by Myanmar with respect to Convention No. 87, of Nigeria, with respect to the same Convention, and of Sudan with respect to Convention No. 29, the Committee mentioned these three countries in paragraph 173 as countries constantly failing to apply the relevant Convention. The Committee did, however, note with satisfaction progress which had been made in several cases. I would here refer you to the report of the Committee of Experts and Part Two of our report.

This year the Committee highlighted one case of progress. In paragraph 164 of its report it is noted with satisfaction that in one specific case the Government made legislative changes and practical changes to resolve a problem which existed previously. I refer to the right to organize of the staff of GCHQ in Cheltenham, United Kingdom, a case which was discussed previously by the Committee and concerned the application by the United Kingdom of the Freedom of Association and Protection of the Right to Organise Convention (No. 87).

I do not know whether it is clear from my presentation, which is rather administrative in nature, but there was a unique spirit evident in the work of the Committee. We exchanged our opinions, sometimes criticized each other, but all in a very friendly positive spirit. I think that this spirit is one of the major achievements of our Committee. People say that the Committee on the Application of Standards is the moral conscience of the Conference, but that is a rather abstract concept. I think there is a more real aspect to it, namely the common desire to ensure that that moral aspect is respected.

Because although the "time of the finished world has begun", as Paul Valery said when the ILO was first set up, more and more people are now active on the international stage and regional rights are being asserted very strongly. This means that interpreting the content of universal rules and regulations and checking to which extent they are or are not being respected, are becoming more and more difficult. I would therefore like to pay tribute to the people making efforts in this direction here in this house.

I would not like to conclude without warmly thanking the Committee secretariat, the translators, interpreters, typists and everyone else who made a contribution to the work of this Committee.

I would particularly like to thank Mr. Bartholomei, Mr. Zenger, Mr. Oates, Mrs. Jacqueline Ancel-Lenners and above all, and especially, our Chair, Mr. Callorda Salvo, and the two Vice-Chairs, Mr. Peirens and Mr. Wisskirchen for having so successfully expressed the feeling that we are all one big family here in this Organization.

In conclusion I would recommend the Conference adopt the report.

Original German: Mr. WISSKIRCHEN *(Employers' adviser, Germany; Employer Vice-Chairperson of the Committee on the Application of Standards)* — At a time of enormous upheavals in our economies and our societies our Committee, as in the last 70 years, has been carrying out its task with regard to the application of standards. Important preparatory work for our Committee is carried out by the Experts in their report, which has once again become more voluminous this year. The report of the Committee of Experts provides us regularly with the starting-point for our discussions which are then contributed to by further facts as well as the information which governments are obliged to provide.

For some time now we have observed that the ratification of Conventions has been stagnating; in other words, the officially declared preparedness of a State to adhere to the standards of an international treaty is very clearly declining. The global figures for ratifications presented with a certain amount of pride by the Experts in their report in fact conceal the true situation. For example, out of the 750 ratifications which have occurred between 1992 and 1996, more than 500 have come from countries of the former USSR, from Yugoslavia and the Czech Republic. Therefore we are not really talking about genuine new ratifications.

On the other hand there are very few true denunciations. The small number of denunciations however is also not particularly significant in terms of allegiance to ILO standards because the possibility for denunciation only takes place quite rarely, usually at intervals of ten years. Member countries who can no longer apply the standards of a Convention therefore usually denounce the Convention internally, which means that they simply no longer apply the standards.

These extremely long periods for denunciation and the very few possibilities for denunciation also deter countries from ratifying in the first place. I think with the necessary new orientation of standard setting we have to take into account the astonishing fact that there has been absolutely no possibility up until now of repealing standards which are completely out of date and simply can no longer be applied.

This opportunity is now going to be formally provided for in the Constitution for the first time. But this *actus contrarius* is accompanied by much higher hurdles than just the adoption of a Convention. Whether it is feasible in practice remains to be seen.

Recently the number of complaints has grown quite considerably. One could even talk of a whole flood of this type of procedure. This leads to a serious overload for the Organization. We should consider the reasons for this. Probably the many facts which lie behind these complaints could be dealt with equally well through the normal reporting and supervision procedures. From time to time the impression arises that national conflicts are brought to the international level in order to subsequently use these procedures and the results obtained for the purposes of domestic debate. In any case it would appear to be necessary to look more carefully at the relevance and the receivability of these complaints in the future.

The sections of the main part of the report of the Committee of Experts, dealing with the application of Convention No. 122 on employment policy, have become a traditional feature. Certainly, it is one of the priority objectives and tasks of this Organization and its member States to make sure that there is full, productive and freely chosen employment. The Experts recognize the fact that unemployment has many causes. In the last few years, however, we are seeing blame being placed more and more frequently on increasing international competition, globalization and the transition to the market economy. Globalization and international competition are treated as a synonym for the fact that the world is increasingly becoming an integral whole. The market economy, we are firmly convinced, is the inseparable twin of democracy which has its foundation in the self-determination of the individual human being. All these elements are necessary prerequisites for the creation of greater well-being for all and also for the acquisition of greater resources to finance an adequate social policy. The Experts, as we see it, neglect the many other reasons for unemployment, that is excessive regulation, inflexibility and the bureaucratic overloading of the system by regulations, and last but not least, taxes and labour costs which are frequently too high. Successful business and job creation depend I am sure on many factors, and not least on the quality of products and services and the skills of workers and management. The value of an enterprise and its ability to survive are however determined by competition and the market position it has achieved. Thus in the final analysis it is the customer who decides whether an enterprise can remain successful or not. The market is thus not a threat but an opportunity, and the positive effects of competition in a market economy are of advantage to all of us.

We believe that this point of view is still being neglected to a great extent in the ILO. In this connection forms of employment such as part-time work, contract work and temporary work which can now hardly be described as new, should no longer be seen as a threat to full employment, but rather as an opportunity in an evolving world of work. An important step appears to have been taken this year with the review of Convention No. 96.

The Experts have voiced concern and criticism about the many changes which are taking place in the area of social security. There is too little understanding shown for the fact that the social security budget is taking up a greater and greater share of the overall national product and that the financial thresholds are being reached or even exceeded. There are many reasons for this. Demographic revolution has played a role, but also the one-sided development of these systems which has taken place over many years without adequate attention being paid to the fact that not every small risk should actually be covered by a collective social security system. The difficult situations arising in many areas of social security are often caused by the fact that many States have recognized this evolution too late in the day or at least they have reacted to it too late in the day. Therefore, it is of no use to issue a general warning against premature or hasty corrections to the system. On the contrary, it is perhaps high time to change tack in order to prevent further unfortunate developments in this area. Only if we actually change tack can we guarantee the basis and the preservation and efficiency of social security systems as far as their core operations are concerned.

The Experts quite rightly point out the unacceptable fact that workers in some countries in Eastern Europe, Africa and Latin America, sometimes for months and sometimes even for years, are either not paid at all or otherwise only receive part of their wages. It would however be a thoughtless indulgence in stereotypes to say that the market economy is once again responsible for this situation because it is not at all typical in a market economy for workers not to be paid, or to be paid late. One reason for this unfortunate situation, however, could be that perhaps there are too many elements of the failed planned economy still present in the transition economy.

We fully support all measures which campaign against any form of forced labour and in particular the extreme exploitation of children. For the elimination of this evil, international cooperation must be further strengthened. In this connection specific aid programmes such as the special child protection programme are clearly extremely helpful.

In the last parts of the general section of the report of the Committee of Experts there is a clear description of how member countries are fulfilling their different reporting obligations. But there are still many countries who do not do so or only do so in part. We support the requests and the urgent appeals to member countries better to fulfil their obligations in the future. The fact that the Experts have only received 63.3 per cent of all the reports required on ratified Conventions at the end of the reporting period, constitutes a very sad negative result. This observation is particularly disappointing because on the basis of the new reporting timetable in accordance with the decision taken by the Governing Body in 1993, the member countries have much less of a reporting burden. Therefore, we do not believe we should revert to the old system because the results would perhaps be even worse. In this connection, however, we do not think it wise for the Experts to ask more than in previous years for additional reports outside the normal timetable of reporting obligations. It is not a matter here of the Experts counteracting the decision of the Governing Body in any way.

For years now we have not shared the view of the Experts that member States should be sanctioned or subjected to other measures of deterrence if they have not applied a Convention. That is only justified if such measures are laid down in the Convention concerned. In all other cases, it is really the business of the individual member country and its own legal system how it implements its international obligations with regard to the ILO at home. Perhaps it is only a slip of the tongue or a drafting error that since last year mention is made in the report of the Committee of Experts of "fundamental workers' rights", whereas for many years, quite rightly, mention was only made of "fundamental human rights".

In the second part of the general discussion, our Committee dealt with the General Survey on Convention No. 150 and Recommendation No. 158 on labour administration. These standards deserve our particular attention for a number of reasons. However, the member States clearly do not share this view. The Convention has only been ratified by 39 States and the request to submit reports under article 19 of the Constitution was only fulfilled by half of the States invited to do so. A considerable number of reports is the essential prerequisite for a meaningful General Survey. A General Survey which is based on empirically guaranteed data is a very important source of information for the ILO and its Members. We have no simple or clear explanation for the very modest number of ratifications and the low number of reports submitted by member States. We would have thought that the content of the Convention would invite more ratifications because the Convention is certainly worded in a very flexible manner and there are hardly any special obligations. I would in fact say that the member countries are given considerable room to manoeuvre. Obviously some countries have misunderstood this aspect. In some parts of the report the Experts have to a certain extent contributed to these misunderstandings by the member States. Some member States believed that they could be called upon to implement special measures in connection with this Convention. Certainly labour administration from many points of view is one of the major areas of national labour and social policy. However, Convention No. 150 does not lay down any particular provisions with regard to the content of labour law and social law. The survey shows moreover how useful well-developed labour administration can be in various areas. It is also clear from the report how much the world of work and the world of employment have changed over the last few years and that these changes will continue to develop.

A problem for many countries is the cost of such a comprehensive labour administration system. There are parallels here to Convention No. 81 concerning labour inspection. In some reports coming from member States we have seen a certain dissatisfaction with the inclusion of people who are not workers *per se* but are self-employed. We share these reservations and these doubts. It would be much too simple to take the limited acceptance of this Convention as an argument against having flexible Conventions in this area. Such a conclusion would have the charm of irony, but it would otherwise be unsubstantiated. We believe that it is more a question of not confusing flexibility with lack of structure and vagueness, and instead taking flexibility to mean simple and clear principles, and formulating ILO standards accordingly. All in all it is a pity that these texts concerning labour administration have only met with modest success up until now.

Our Committee is the only central body of the Conference — the highest forum of our Organization — which has the duty of verifying whether member States are fulfilling their reporting obligations which are laid down in the Constitution and in particular whether they are fulfilling the obligations they assumed when they ratified specific Conventions. If you are carrying out the supervision of standards in a way which is not purely mechanical then you have to think about the difficulties which arise nowadays and the reasons for them. Really, the supervision of standards and standard setting are two sides of the same coin. In our Committee therefore for many years now we have always looked at the various aspects of standard setting. This year we did so in the light of the Report of the Director General which dealt with this subject in great detail. The Report of the Director-General contains many interesting comments which differ considerably from the ideas and from the practice of standard setting which has prevailed up until now. In a whole series of points we recognize the ideas which the employers have been trying to put over for many years.

To sum up, we would say that standard setting can no longer be the most important activity of this Organization. Should new rules appear appropriate, this does not necessarily mean that we have immediately to prepare a new Convention. They could take the form of a Recommendation, general guidelines or a code of conduct. Where Conventions are being considered, they should be confined to very clear principles and should avoid too many details as far as procedure and content are concerned. If in the past this yardstick had been applied, then many Conventions would not have come into being, at least not with the same specific content. Such Conventions therefore should be revised or repealed as soon as possible.

For some time now very important efforts have been made to ensure that the most fundamental Conventions, and particularly those relating to human rights, are more widely implemented by member States. Of the many proposals and ideas that have been put forward in this connection, there is no one ideal way of achieving the objective. In other words, there is no easy solution. The social clause, which has been under discussion in the ILO for some years now, should really be deemed a failure. And there are also many reservations with regard to the social label which has been proposed. Without going into them one by one, suffice it to say that many details of this idea are unclear and all in all the application and desired effect of this measure give rise to considerable doubt, while the dangers inherent in this idea have been underestimated.

Thought has also been given to a special supervisory procedure which would be carried out by a new forum following the example of the Committee on Freedom of Association. Such a forum would also verify the observance of the basic human rights Conventions in those countries which have not ratified these Conventions. This would logically mean that the basic principles of these Conventions were already enshrined in the Constitution of the ILO. But as we see it, the Constitution only contains the most rudimentary elements of these fundamental principles. To the principle of freedom of association which is set out explicitly in the Preamble of the Constitution, many details have since been added over time. Proof of this can be seen in the impressive 200 pages to which the *Digest of decisions* by the Committee on Freedom of Association has grown. The Committee has found itself faced with a host of cases relating to strike situations. It has judged and decided on the basis of the constitutional principle of freedom of association because for States which have not ratified Convention No. 87 it has no other yardstick to apply. We have often criticized these results and these decisions over the last few years. Apart from basic legal doubts there is the fact that the member States at the Conference have never had an opportunity to discuss or vote on the issue of labour disputes. The subject was in fact specifically rejected in 1948 and 1949 when Conventions Nos. 87 and 98 were adopted.

All these experiences cause us to have serious doubts with regard to any new or special fora. As is the case with other international treaties, the obligations of a member State arise precisely from ratification. Thus the right, although difficult, way to proceed is to promote the ratification of these fundamental or core Conventions. We have seen that the campaign to do so has already achieved a fair amount of success.

The principal task of our Committee is to verify whether the Members have fulfilled their obligations concerning specific Conventions and vis-à-vis the Constitution. The list of the countries invited for dialogue this time contained 27 cases. We have also dealt with a very large number of so-called automatic cases. These concern countries who have failed to fulfil their various reporting obligations or have not provided the requisite information, both of which are used for assessment purposes. The Committee usually takes such omissions very seriously, and quite rightly so.

As on many occasions in the past, the Committee has come across cases already dealt with previously, where it has noted that a wide variety of changes have occurred. Unfortunately, we saw that this year the concerns in six cases were so serious that the Committee decided to introduce a special paragraph into its report about these cases. The concerns relate to the Islamic Republic of Iran in connection with Convention No. 111, where the Committee found there was still sexual discrimination and discrimination based on religion; Morocco in connection with Convention No. 98, where protection of freedom of association has long been considered inadequate; Swaziland in connection with Convention No. 87, the basic prerequisites of the Convention are not being met. Apart from these three countries, there were three others which were mentioned in a special paragraph in the general part of the report relating to continued failure to implement. Here I am speaking of Myanmar and Nigeria where there have long been serious discrepancies in connection with Convention No. 87 on freedom of association. The same applies to Sudan vis-à-vis Convention No. 29 because for a long time now there have been various forms of forced labour in that country which are not being adequately dealt with.

You will find details concerning the discussion and the conclusions on these individual cases in the second part of our report. As is often the case when we are not dealing with cases for the first time, we have noted that considerable changes have occurred. We have seen improvements in the application of Conventions, and we have also seen the contrary.

Another comment concerning the working procedures of our Committee. It would certainly be an advantage if the Committee could return to its earlier practice, that is basically having the views of the group being represented by the spokesman and then additional comments being made. Thus there would not be a repetition of what has been said by the spokesman, but additional comments would only be made when something new is being introduced into the discussion. This approach would certainly make the work of the Committee considerably easier.

As a general comment, I would like to thank everyone who contributed to the work of our Committee and its results. Of course, this does not mean that we did not have differences of opinion. However, in spite of all the controversial points we had, we must observe the fact that we are all unanimous in trying to pursue our general goal, which is to put into practice and successfully apply the most effective supervisory system for the observance of international instruments.

I would like to thank the Chair, Mr. Callorda Salvo, who led our work with a mixture of firmness and patience. I would also like to praise our Reporter, Ms. Mihes, who presented the report to you a short while ago. I would also like to thank the secretariat for their professional assistance. Their team was led very effectively by Mr. Bartolomei and Mr. Zenger and their extremely experienced colleagues.

The essential spirit of cooperation between the Workers' and Employers' groups could once again be seen this year. I would like to thank in particular Mr. Peirens, the Worker Vice-Chair in this connection.

I had the full support of my group, and for this very good and helpful cooperation, I would like to thank all the members of the Employers' group. I would just like to mention, as I have on many occasions in the past, my friend, Ed Potter and our secretary Beatrice Ozainne. Ed Potter had very important duties as head of the delegation, but he remained faithful to our Committee and helped us very actively.

RECORD VOTE ON THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION INSTRUMENT OF AMENDMENT, 1997

The PRESIDENT — I now have to interrupt the discussion of the report of the Committee on the Application of Standards. As announced at Tuesday morning's sitting, following our consideration of the first report of the Constitutional Amendment and Standing Orders Committee and the preliminary vote on the proposed constitutional amendment, we shall now proceed to a record vote on the Constitution of the International Labour Organization Instrument of Amendment, 1997. The text of this instrument can be found in *Provisional Record* No. 15. Before we proceed to the vote, I give the floor to the Clerk of the Conference to announce a small correction.

The CLERK OF THE CONFERENCE — There is a minor typographical error in the English text of *Provisional Record* No. 15. In the first line of the text of the new paragraph 9, there is an unfortunate comma between the words "Conference" and "may". This extra comma should be deleted.

(A record vote is taken.)

[The detailed results of the vote will be found in a separate section of this volume.]

The result of the vote is as follows: 381 votes in favour, 3 against, with 5 abstentions. Since the quorum of 257 and the two-thirds majority of 257 were attained, the Instrument of Amendment is adopted.

(The Instrument of Amendment is adopted.)

I give the floor to the Government adviser of the United States for an explanation of vote.

Ms. ANDERSON *(Government adviser, United States)* —Last year the United States Government had to abstain from voting on this amendment due to concerns about the way in which it was drafted. We support the purpose and the intention of the proposal to eliminate outdated and obsolete labour standards. We fully understand that this amendment is intended only to affect the role of the ILO vis-à-vis these outdated Conventions and not to terminate the treaty relationships among States that are party to them. As drafted, however, the amendment does not limit the effect of the abrogation of Conventions to the ILO's functions alone. The language used would terminate those Conventions completely. Therefore, in the light of these concerns, we were obliged to abstain.

The PRESIDENT — As you will recall, the amendment to article 11 and the new article 45bis of the Standing Orders of the Conference were adopted on Tuesday, subject to the record vote on the amendment to the Constitution.

Provisional Record No. 15A contains the text of these amendments with a number of drafting improvements made by the Conference Drafting Committee. The Conference is now called upon to give its final approval to these Standing Orders amendments.

May I take it that they are adopted?

(The amendments are adopted.)

RECORD VOTE ON THE CONVENTION CONCERNING PRIVATE EMPLOYMENT AGENCIES

The PRESIDENT — We shall now proceed to a record vote on the Convention and Recommendation concerning Private Employment Agencies. The text of the Convention and Recommendation can be found in *Provisional Records* Nos. 16A and 16B respectively. We shall first vote on the Convention.

(A record vote is taken.)

[The detailed results of the vote will be found in a separate section of this volume.]

The result of the vote is as follows: 347 votes in favour, 5 against, with 30 abstentions. Since the quorum of 257 and the two-thirds majority of 235 were attained, the Convention concerning Private Employment Agencies is adopted.

(The Convention is adopted.)

I give the floor to the Government delegate of Switzerland for an explanation of vote.

Original French: Mr. ELMIGER *(Government delegate, Switzerland)* — After reading attentively the text of the draft Convention on one that was done by the competent services of the federal authorities, I received the instruction that the Government delegation of Switzerland should abstain. The draft Convention indeed contains various elements which are in conflict with our legislation. The definition of the idea of private employment agencies as well as the establishment of minimum salaries for the workers in temporary work agencies, also gives rise to problems to us.

The delegation of Switzerland would like warmly to thank the Chairman of the Committee on the Revision of Convention No. 96 and the Office for their excellent work as well as all other delegations for their cooperation.

RECORD VOTE ON THE RECOMMENDATION CONCERNING PRIVATE EMPLOYMENT AGENCIES

The PRESIDENT — We shall now vote on the Recommendation.

(A record vote is taken.)

[The detailed results of the vote will be found in a separate section of this volume.]

The PRESIDENT — The result of the vote is as follows: 314 votes in favour, 13 against, with 67 abstentions. Since the quorum of 257 and the two-thirds majority of 219 were attained, the Recommendation concerning Private Employment Agencies is adopted.

(The Recommendation is adopted.)

REPORT OF THE COMMITTEE ON THE APPLICATION OF STANDARDS: DISCUSSION *(cont.)* AND ADOPTION

The PRESIDENT — We shall now continue the discussion of the report of the Committee on the Application of Standards.

Original French: Mr. PEIRENS *(Workers' adviser, Belgium; Worker Chairperson of the Committee on the Application of Standards)* — Current and future standard-setting activity was at the heart of the discussion in our Committee. Moreover, a chapter of our report is devoted to the Report of the Director-General.

The Workers' group had the impression that the guiding thread of almost all of the statements made by governments was more constructive than was the case at earlier sessions of our Committee. In the great majority of statements by the three groups, we have been able to note positive elements.

To be sure, there remain divergences with the Employers, and certain positions taken up still need to be clarified and specified. However, we have been able to detect the emergence of an understanding as to the objectives and the guidelines.

I am thinking in particular of the possible introduction of a new procedure, as suggested by the Report of the Director-General, to discuss the problems of the application of the fundamental rights and principles in countries which have not yet ratified Conventions.

We have not heard of any formal exclusions of the principle of the extension and deepening of the survey and the collection of information on social policy and the situation relating to core standards. The Report of the Director-General described this set of measures as a "social label". The comments rather related to the actual details of implementation and the support for the measures and approaches suggested.

There has been nothing said in favour of taking a break in standard setting, but we cannot deny that the Employers have become more restrictive than was the case in the past with respect to the choice of possible topics for new instruments.

Beyond their general terms, the specific scope of reservations and suggestions made by the Employers and certain governments were not always clear and will require further explanation in the months to come.

When it is a question of the application of core standards and other standards of the ILO, what is the precise scope of the position of certain governments who affirm that the ILO must take into account specific economic and social realities?

For the Workers' group all the member States and enterprises must respect and apply the fundamental rights, notwithstanding the level of economic and social development. However, in this affirmation there must be no opposition between North and South.

These rights merely establish the essential rules of the game and must make it possible to develop social policy taking into account both national potentials and the principles and rules contained in other standards, such as health and safety at work and social security. The appeal of certain governments demanding that the degree of economic and social development and certain cultural practices should be taken into account in the application of core standards is either superfluous, or ambiguous, or is simply the expression of a groundless fear.

In any event, some governments have clearly, and without equivocation, supported the efforts of the ILO and the Director-General to promote the ratification and application of international standards and to make the ILO more effective.

Certain governments, both developing and industrialized countries, have stressed the need for specific action to be undertaken. They have suggested certain approaches which could help to make the ILO more active and develop a more dynamic interaction between member States and the ILO in an ever-more globalized world.

As far as the right to strike is concerned, the Workers' group has reiterated its position supporting the comments made by the Committee of Experts, based on constant jurisprudence and on the conclusions of the tripartite Committee on Freedom of Association.

We also refer to our report of the 1994 Session, in which we replied in detail to all of the arguments and positions of the Employers' group.

I would now like to highlight some positions, facts and developments which received particular attention in the discussion and conclusions in the general part of the report of the Committee of Experts.

First of all, new provisions relating to the amendment of procedures for sending reports by governments are now in force. The Employers' and Workers' groups shared the point of view of the Committee of Experts, affirming that the results have not been outstanding. Indeed, only 63.3 per cent of reports requested had been received by the end of the session of the Committee of Experts. Moreover, the great majority of reports only reached the ILO very late.

Sending in reports is one thing, their quality is another. In fact, reports are often incomplete and replies are not often clear. The Committee of Experts has noted the same shortcomings in replies concerning the carrying out of the General Survey on labour administration under article 19 of the Constitution. The ILO, however, is trying to reinforce the impact of article 19 better to tackle problems of application, reservations and hesitations with respect to ratification. Our Committee supports these steps and we also refer to the approaches suggested by the Director-General.

Do the reasons for these shortcomings arise from practical considerations? Nevertheless the great majority of reports are not detailed and they should not give rise to too many problems. Or are these structural problems, or do they indicate a lack of political will?

We stress the need for governments who have problems of a practical or structural nature to appeal for technical assistance from the ILO. If the application of the new system for sending in reports does not bring tangible progress, we feel that the Governing Body and the Committee of Experts should, as soon as possible, do an in-depth analysis of the reasons for this deterioration.

Secondly, the Committee of Experts points out to us in paragraph 112 that a large number of comments have not received a reply. We have also noted this fact during the discussion of various individual cases. A number of governments do not reply to the observations made by the Committee of Experts, or they do it in an incomplete way.

We cannot accept that a government which is facing serious problems of application published in an international report should simply refer to arguments of a practical nature. Technical assistance and in particular the multidisciplinary teams are available to governments.

The main reason underlying certain special paragraphs and the very firm conclusions of our Committee are to be found in the absence of cooperation with the ILO and the supervisory bodies.

Thirdly, the Workers' group, supported by several governments, does not accept that the recourse to constitutional procedures, such as complaints, representations and other existing procedures, should be rendered more difficult, as has been suggested by certain governments. We are in favour of a more effective use of procedures, for a strengthening of their complementarity. We are not opposed to certain clarifications should these prove to be necessary, but we oppose every weakening of the supervisory system as a whole, at a time when the ILO is trying to strengthen this system.

Over the past few years the most frequent recourse to the various procedures has nothing to do with an abuse of procedure. It finds its origins in the more active role granted to workers' and employers' organizations in the follow-up of the supervisory system and in the training activities carried out by the ILO and its constituents to increase familiarity with procedures. Moreover, the consequences of structural reforms and the heightened competition brought about by trade liberalization are too often reflected in unilateral fashion in social policy.

Fourthly, a large number of governments have made considerable efforts to submit instruments adopted by the Conference to their respective parliaments. The Committee of Experts has however had to mention, in paragraph 138 of its report, 22 countries which have provided no information with respect to the submission to the competent authorities of Conventions and Recommendations adopted by the Conference over the past seven sessions. The Workers' group has, both orally and in writing, requested that Workers' delegates in the countries concerned who are present at the Conference should question their governments in this respect and follow developments at the national level.

Fifthly, we have had an important exchange of opinions on the general observations with respect to the Employment Policy Convention, 1964 (No. 122). We note that the ILO and the Conference, over a number of successive sessions have placed the promotion of this Convention at the top of its list of priorities, concerning the objective of full employment by means of a global, coordinated, harmonized, social, monetary and economic policy.

We are in agreement with the Employers' group that we should not isolate employment policy from economic and social policy as a whole. However, in practice this approach is far from being the rule, even if we can note a number of positive trends in certain countries and regions.

The comments of the Committee of Experts are based on the objective observation of facts and developments.

We have emphasized that globalization has to be seen in a social framework which aims at the same time to combine economic efficiency with social justice and the respect for human dignity at work.

Governments have confirmed that certain multinationals or subcontracting networks require governments not to apply international and national standards, including in export processing zones, or to not ratify international Conventions. Others have exerted considerable pressure, generated by structural adjustment programmes on employment policy and international standards.

Sixthly, the Workers' group and all governments who have taken the floor have appreciated and supported the observations of the Committee of Experts on social security. In an ever-greater number of countries, social security systems are facing considerable reforms. These reforms, or the partial or total privatization of certain branches of social security, such as old-age pensions and health care, have to take into account international standards. The type of system — public, private or mixed — does not really matter. States must take on their overall responsibility. As a result, mechanisms have to be introduced to monitor inter alia the management of the system and the payment of benefits or services, and to guarantee the participation of the insured people.

International standards such as the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) are also drafted in a fairly flexible way, and permit stage-by-stage developments in various branches. We feel that better economic performance and the maintenance or development of social security are complementary.

Seventhly, observations relating to the Protection of Wages Convention, 1949 (No. 95) received broad support in all groups. Our Committee had to put a number of cases on the agenda of the last sessions.

Non-payment of wages and very late payment has become an ever-more widespread scourge of the transition economies and those subject to structural adjustment programmes. Member States only rarely establish the necessary legal structures to bring about actual application of this Convention.

We refer also to the conclusions in the case of the Ukraine and the footnote from the Committee of Experts and our statements included in paragraph 7 of our report, relating to the Russian Federation, on Convention No. 95.

Eighthly, comments relating to combating forced labour and child labour also receive broad support. A number of governments announced that they intend to ratify the Minimum Age Convention, 1973 (No. 138). In spite of the enhanced activities of the ILO, in spite of IPEC and government commitments, there still remains a great deal to be done. So as to combat the sexual exploitation of children, we insist that governments should rapidly take legal measures to sanction violations abroad, and to punish the publicity which encourages such practices.

My ninth and final specific point is that I would like to draw your attention to paragraphs 41-43 of our report, relating to export processing zones. The Workers' group is very concerned by the development of these zones, which are too frequently areas where the law does not prevail or social legislation is not applicable or not applied. However, some governments have communicated to us that they have made efforts to guarantee the application of national and international standards in export processing zones. All of our Committee supported the special programme of the ILO on social questions in export processing zones. We will follow the results of this work with great interest.

The discussion of the General Survey on labour administration showed broad support in the three groups for the ratification and application of Convention No. 150 and Recommendation No. 158. I refer to paragraph 146 of our report. These instruments favour the establishment of an effective and coordinated system of labour administration ensuring good cooperation with employers' and workers' organizations. Rapid developments at the economic and social level and the increasing complexity call for a real system of labour administration. Good functioning of the labour market is a decisive factor for economic success.

However, in many countries, administrations, agencies and ministries concerned do not yet benefit from priority treatment in terms of budget resources. Only rarely do they enjoy much political esteem. A good labour administration system considerably facilitates the implementation of a harmonized employment policy and the application of international standards. It makes technical cooperation more accessible, and strengthens tripartism and social dialogue at the national level.

These two instruments allow differences of approach and implementation at the national level. The General Survey clarified the requirements and contents of the Convention which should help to encourage its ratification.

Our Committee had an in-depth discussion on individual cases. The Workers' and Employers' groups cooperated in a constructive manner. All the conclusions have been adopted with the agreement of the two groups. They are specific, operational and will doubtless have considerable impact at the national level. We hope that they will be read carefully by the governments concerned and by the international community as a whole. Above all we would like to express the wish that the specific requirements should be implemented.

The working methods and the decision-making mechanism of our Committee are different from those of other Conference committees. The position of the Employers' and Workers' groups is predominant in preparing and approving conclusions.

However, in the discussion of individual cases, we noted that several governments played a more active and constructive role than in the past. They supported the comments and conclusions proposed by the Employers' and Workers' groups. They stressed to the Government delegates of the countries concerned the need to apply the Convention fully by means of decisive activity and close cooperation with the ILO. In this respect I would recommend that you read the report relating to the cases of Indonesia, Nigeria, Sudan and Myanmar with care.

Technical assistance in all of its forms, including through the activities of the multidisciplinary teams or direct contacts, can make an effective contribution to bringing about progress as long as political will is effective. We cannot accept technical assistance being used simply to save time and not do anything.

We discussed 27 cases for 27 countries. We would have wished to deal with a larger number and have a better balanced list from the point of view of regions, number and nature of the Conventions. Because of a shortage of time, we were unable to deal with certain cases. However, if there is no real progress in these countries, the Workers' group would wish to be able to discuss them next year.

You will find the list of these cases in paragraph 7 of our report. These refer to Djibouti, Ecuador and Ethiopia, for Convention No. 87, and to Afghanistan for Convention No. 111, since the authorities have forbidden girls to receive education and women from working, thus condemning widows to die of hunger.

As is highlighted in paragraph 7 of our report, the selection is not determined by the desire to draw up a blacklist. We do not limit our discussions to the most flagrant violations of fundamental rights. We follow developments in the application of technical Conventions and we are also concerned about the application of Conventions in the industrialized countries and the newly industrialized countries. We also discussed cases where progress has taken place.

The draft list is a proposal from the bureau of our Committee. The conclusions relating to six countries and six Conventions were the subject of a special paragraph from our Committee. I would advise you to read attentively paragraphs 165-172 of our report. This was the highest number of special paragraphs for a number of years. Moreover, three of these six countries which were the subject of a special paragraph are also mentioned in paragraph 173 for continued failure to implement Conventions. These countries have been included in a special paragraph following in-depth discussion in our Committee.

We are very well aware that it is not at all pleasant for a country to be included in a special paragraph, as was pointed out by the Government representative of Morocco with reference to that country for Convention No. 98, and Sudan for Convention No. 29. The decisive criteria for this to take place are the gravity of violations and above all the absence of a clear, unmistakable signal of a will to cooperate properly with the supervisory bodies. The Moroccan Government has had two decades to bring its law and practice into conformity with the Convention. It has not sent a report and has not kept its numerous promises to modify legislation. Moreover and above all, it has not accepted our suggestion to receive a direct contacts mission from the ILO to overcome problems of application.

As far as the application by the Islamic Republic of Iran of Convention No. 111 on prohibition of discrimination in employment and occupation is concerned, the Government did not accept a direct contacts mission which was already mentioned last year to analyse and clarify the real situation on the spot. We hope warmly that contacts between the ILO and the Government of the Islamic Republic of Iran will continue and will be strengthened in the weeks and months to come in order to bring about progress.

On the subject of Swaziland for Convention No. 87, despite explicit requests from our Committee, the Government has not taken on a commitment to carry out the recommendations of the direct contacts mission of October 1996, which received the agreement of the workers' and employers' organizations. Moreover, the Government recently promulgated anti-union laws.

As far as Nigeria is concerned on Convention No. 87 on freedom of association, our Committee has noted that union leaders are still put in prison, that the decrees of 1994 and 1996 regarding the dissolution of the executive committees of union organizations and the control of unions have not yet been abrogated. There has been no detailed report, and the Government has not yet accepted a direct contacts mission. The integration of conclusions into a special paragraph and a paragraph on continued failure to implement was logical and inevitable.

On the subject of the application by Sudan of Convention No. 29 on forced labour, we had to include our conclusions in a special paragraph and a paragraph on continued failure to implement, since the Committee of Experts noted that forced labour persists with the complicity or the indifference of the Government, which has not proved its commitment to bring this to an end.

On the violation of Convention No. 87 on freedom of association by Myanmar, the inclusion of our conclusions in a special paragraph and a paragraph on continued failure to implement was also inevitable given the absence of cooperation on the part of the Government and the persistence of major divergences in law and practice.

We have had to adopt firm conclusions in other cases which imply the implementation of serious commitments on the part of the governments concerned. We refer inter alia to the case of Indonesia for Convention No. 98 on collective bargaining. Indeed, the protection of workers against acts of anti-union discrimination and the protection of union organizations against interference in their internal affairs is non-existent. We must also guarantee the full respect of civil liberties. We also stress the need for the President of SBSI, our friend Mukhtar Pakpahan and other union members to be freed immediately. If there is no real progress on this case, our Committee has decided to discuss it again next year.

Our Committee also dealt with the situation on freedom of association in Bangladesh, Belarus, Costa Rica, Guatemala, Turkey and Venezuela. If there is no progress in Bolivia as far as freedom of association is concerned, we will discuss this again next year.

For the case of the United Kingdom, on freedom of association at the GCHQ centre in Cheltenham, our Committee noted some progress which is referred to in paragraph 164 of our report. We hope that the new Government will in the near future undertake dialogue with workers' and employers' organizations to bring legislation into line with Convention No. 87 with respect to other comments.

In its conclusions, the Committee envisaged the possibility of discussing the following cases again next year, should this prove necessary: the Ukraine for the protection of wages, Pakistan for forced labour and Malaysia for discrimination against migrant workers with respect to compensation for accidents at work. Non-discrimination against migrant workers is a fundamental question for us. Because they are far from home and not integrated in the host country, these workers are more vulnerable. Equality of treatment in Malaysia for the compensation of accidents at work is fundamental, given the fact that migrant workers work above all in the most dangerous sectors with regard to accidents at work, for example in construction.

The inclusion of Malaysia on the list of cases to be dealt with was thus justified. We also discussed migrant workers in the case of France, with regard to the Equality of Treatment (Social Security) Convention, 1962 (No. 118), the Workmen's Compensation (Accidents) Convention, 1925 (No. 17) for New Zealand, and the case of Peru, in respect of the Social Security (Minimum Standards) Convention, 1952 (No. 102). In Peru, neither the public nor the private system for old-age pensions guarantee minimum rights.

We also had in-depth discussion on other cases such as the policy on women's wages in Nepal, with respect to the Equal Remuneration Convention, 1951 (No. 100); the Labour Inspection Convention, 1947 (No. 81) in Sri Lanka; indigenous populations in India, relating to the Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Forced Labour Convention, 1930 (No. 29), with regard to Brazil. We would strongly advise that you read our reports with a great deal of attention and assess the commitments taken there.

Our Committee also devoted a session to countries which had not respected the constitutional obligations of sending reports or submission of Conventions to the competent authorities for possible ratification. The Governments concerned should have recourse to the possibilities made available by technical assistance and should strengthen their system of labour administration.

In conclusion I would like to thank our Chair, Mr. Callorda Salvo, whose impartiality and firmness contributed to the good quality of the discussions and conclusions. We would also like to thank our Reporter, Ms. Mihes. We thank the Chairman of the Committee of Experts, Sir William Douglas, who was present as an observer at the general debate and the discussion on the General Survey. Our Committee has asked the Chair of the Committee of Experts to be with us at the next session.

We thank the representative of the Director-General, Mr. Bartolomei de la Cruz, Messrs. Zenger, Gernigon and Swepston as well as the whole ILO team, Ms. Monique Cloutier of the Bureau for Workers' Activities, as well as the interpreters.

I would like to include in these thanks the members of our Committee; Mr. Wisskirchen, the Employer spokesperson for his spirit of dialogue and cooperation; and more particularly the members of the Workers' group, those of the Office and of our group and that is Ms. Bernadette Hillan, and our friends Messrs. Ahmed, Sibanda, Venturini and Chilou.

Our report was approved unanimously in our Committee and I would ask the Conference to proceed in the same manner.

The PRESIDENT — The discussion of the report of the Committee on the Application of Standards is now open.

Original French: Mr. BINTOU'A-TSHIABOLA-KATOMPA *(Workers' delegate, Democratic Republic of the Congo)* — As the dawn of the third millennium approaches, I am happy to take the floor on behalf of the workers of the Democratic Republic of the Congo, the former Republic of Zaire, the rebirth of which took place on the historic date of 17 May 1997. The great satisfaction which I feel at the moment of course comes from the fact that since the new authorities of the Democratic Republic of the Congo came to power, they have taken no measures to either restrict or ban the application of the ILO's principles relating to trade union rights, as can be seen from my presence here at the Conference as National President of the General Federation of Labour of the Congo (FGTK) and that of the Congolese Trade Union Confederation, two of the six national interoccupational representing the workers of the Congo, members of the National Labour Council and signatories of the national interoccupational collective agreement concluded with the Federation of Enterprises of the Congo which is the employers' association.

I would obviously be failing in elementary courtesy were I not to associate myself with various speakers here in extending to the President my warmest congratulations on her election to chair this session of the Conference. I wish her every success in carrying out her duties, the success of which is already becoming clearly evident.

As regards the tasks assigned to our Conference, might I, express a few remarks which I think are important in connection with the ratification and the application of Conventions and the submission of Conventions and Recommendations to the national authorities.

According to the report of the Committee of Experts on the Application of Conventions and Recommendations, the Democratic Republic of the Congo has ratified only three out of seven fundamental Conventions concerning which the Director-General launched an appeal to all member States after the World Summit for Social Development in Copenhagen in 1995.

These are the Forced Labour Convention, 1930 (No. 29), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Equal Remuneration Convention, 1951 (No. 100).

As regards the submission of Conventions and Recommendations to the national authorities, as emphasized by Mr. Bartolomei, the representative of the Director-General, I agree with the remarks by the Committee of Experts in its report concerning the disturbing situation that exists in a number of countries, 22 to be precise, which have fallen far behind in this respect.

The Democratic Republic of the Congo is one of these States, but might I recall from this world rostrum my earlier interventions before the Committee, requesting tripartite technical assistance from the ILO, and in particular the multidisciplinary teams, especially regarding the organization of seminars to help the Government and employers' and workers' occupational organizations in the Congo to become thoroughly familiar with international labour standards so as to enable them to contribute more efficiently to the process of the submission, ratification and application of Conventions.

The small and medium-sized rural and urban enterprise sector covers more than 85 per cent of the Congo's economy. Following the plundering of this decade and the maladministration under the "Zairianization" policy of the 1970s, I must stress the urgent need for technical cooperation from the ILO, inter alia, for working women in the formal sector, women carrying out survival activities in the informal sector as well as Congolese peasants — assistance which will help them to improve their training, increase their production and contribute to growth and, finally create possibilities for new employment and put an end to unemployment in the interests of the youth of the Congo.

Original Spanish: Mr. ALVAREZ *(Government delegate, Costa Rica)* — The Governmental delegation of the Republic of Costa Rica thinks that is necessary to correct *Provisional Record* No. 19, page 87, fourth paragraph, line 10 where, in connection with Convention No. 87, it refers to "limitations imposed on the right to organize". This should be read: "limitations imposed on the right to strike", since, as the report states, the Committee of Experts was examining the case of strikes in certain sectors in Costa Rica. This request is just a technical correction that we also have presented in writing to the International Labour Standards Department so that it can appear in the report of the Committee on the Application of Standards and in the *Record of Proceedings* of this Conference.

Original French: Mr. BELOUED *(Government delegate, Morocco)* — When examining the case of the application by our country of Convention No. 98 on the right to organize and collective bargaining, we took great care to inform the Committee on the Application of Standards that a draft labour code, taking account of the comments made by the Committee of Experts, had been submitted to Parliament, which was to have it before it at a special session to be convened for that purpose. But, because of differences of opinion amongst the professional organizations of employers and workers on certain questions that were raised within the context of this code, and on the insistence of one — and I mean one — of the trade union organizations, it was decided to go deeper into the examination in a tripartite committee set up for this purpose, within the context of the social dialogue entered into by the Government and the social partners.

Morocco informed the multidisciplinary team of the reasons that delayed the adoption of the draft labour code and stated that it intended to have the team come in to support the efforts made by the Government to find concerted solutions to the questions of dispute. The contacts certainly were established with this team and resulted in the drawing up of a document containing priority objectives. The adoption of the labour code and its enabling text is amongst the priority objectives of the process of cooperation that is being carried out at the moment.

In the Committee on the Application of Standards, we emphasized the need for continuing this technical assistance, which is just beginning because, in our view, it is premature and inappropriate to envisage any other measures that might be said to discredit the programme for cooperation, which is following its normal course.

The decision taken by the Committee on the Application of Standards today is both incomprehensible and serious. It is also anachronistic, because events have overtaken it, and it allows neither for what has been achieved, nor for the activity in the fields of social dialogue and labour relations, and it takes no notice of the declared intent by the Government to continue with the ratification of all fundamental Conventions.

It is also incomprehensible because, quite logically, it should only be envisaged once the Committee considers that technical assistance by a multidisciplinary team has not been able to achieve tangible progress, which is not the case in the situation which is of concern to us now. This is serious because it questions the whole effectiveness of technical assistance and prejudices its results.

Taking into account the above, we have asked for thought to be given to the specific results obtained through the normal methods of technical assistance, special paragraphs or direct contacts missions.

We think that such an approach ought to help ensure greater relevance of the decisions taken by the Committee on the Application of Standards.

Before concluding I would like to inform the distinguished assembly that the Kingdom of Morocco has regularly cooperated with the bodies of this Organization and has supplied all the reports that it has been asked for.

The PRESIDENT — We shall now move on to the adoption of the report. The Conference is called upon to adopt this report as a whole. If there are no objections, I shall take it that the report is adopted.

(The report is adopted.)

I wish to thank the Officers and the members of the Committee, as well as the staff of the secretariat for the excellent work that they have done.

CLOSING SPEECHES

The PRESIDENT — We shall proceed to the closing speeches of the 85th Session of the International Labour Conference. I give the floor to Mr. Ramírez León, Workers' delegate, Venezuela, and Worker Vice-President of the Conference.

Original Spanish: Mr. RAMIREZ LEON *(Workers' delegate, Venezuela; Vice-President of the Conference)*— First of all I wish to express my gratitude for the confidence placed in me by my brothers and sisters in the Workers' group in electing me as Worker Vice-President of the Conference.

On behalf of the Workers' group, I would like to address to Ms. Olga Keltošová, Minister of Labour and Social Affairs of the Republic of Slovakia and the President of this Conference, my most sincere congratulations on the excellent way in which she directed the work that has been carried out during this Conference, as witnessed by the reports and the texts of Conventions and Recommendations that have been drawn up here.

It is a great satisfaction to me to be able to record that tripartism, as it was defined by the founders of this Organization, has triumphed once again. The consensus on which the promising results obtained for each of the issues on the agenda were based, would not have been possible without the firm commitment of the social actors to dialogue and to tripartism. I would also like to emphasize the competency and experience of my colleagues Mr. Khalil and Ms. Sasso Mazzufferi, Vice-Presidents of the Conference, and the Presidents and Chairmen of the different committees, thanks to whose contribution and spirit of teamwork we have been able to achieve success.

This session of the International Labour Conference once again has emphasized the relevance and importance of the standard-setting activities of the ILO as the essential means of action for promoting social justice.

As was defined at the Copenhagen Social Summit and at the Ministerial Meeting in Singapore, where the ILO's fundamental role was recognized in the establishment of machinery which would lead to a true respect of fundamental rights, we have bravely but without complexes to accept our duty to fight against exclusion and poverty in order to prevent an increase in prospects of social divisions, inequality and disruption which are incapable of being integrated into world markets. But it is a fundamental task of the ILO, within the framework of its standard-setting action, to provide new means of action for the international community, to overcome the obstacles and guarantee that globalization and liberalization of the economy will lead to progress and social justice.

As was recorded by the Director-General in his reply to this discussion, three years ago in the Governing Body of the ILO, it was envisaged and now it is vital that specific decisions be adopted. The application of the fundamental standards of the ILO, the ratification of the corresponding Conventions, and the adoption of machinery which will allow the ILO to supervise the application of these standards effectively and have them implemented by governments is an urgent task for the ILO, on the eve of the twenty-first century.

In spite of the controversial comments that were made on the Director-General's Report, we think that the discussion in itself contributed to strengthening the functions of the ILO.

The work of the committees was extremely positive. We have also noted that there is a need to return to the publication of the *Provisional Record*, in particular when the Report by the Director-General is controversial, because these are very important documents which contribute to informing and guiding the discussion and avoiding unnecessary misunderstandings. We hope that this proposal will receive a favourable welcome.

The adoption of a new Convention on private employment agencies which is a revision of Convention No. 96 on fee-paying employment agencies, and also the Recommendation that accompanies it, confirms the vitality and dynamism of the standard-setting system of this Organization in providing protection to all workers and jobseekers.

The promotion of cooperation between the private employment agencies and the public employment services will contribute to protecting workers against the abuses and improper practices, which are in some cases even fraudulent.

The Workers' group demonstrated its goodwill and its desire to make the necessary efforts to revise and modernize the standard-setting instrument which has received the support of the Governing Body. We welcome the high level of voting in favour of the Convention and the Recommendation; but nevertheless we regret the high level of abstention on the Recommendation, the majority of which was on the Employers' side.

The working party of the Committee on the Application of Standards made an important contribution in this field, and it is therefore fundamental that the other social actors should play important roles, in giving active support to the elaboration of new standards on new problems of a universal nature, which are arising in the world of work as a consequence of the globalized economy, as is the case with contract labour.

We are pleased with the inclusion on the agenda of the Conference of this item on the system of contract labour and with the discussions that led to the elaboration of the basis of the text of the Convention, which will be discussed next year. During the deliberations, interventions by some governments and the experience of the Workers' delegates confirmed that sufficient knowledge and practice of the problem existed for us to be able to lay down the basis for standard-setting activity in this respect.

We are also pleased that the Conference has adopted the report of the Committee on Job Creation in Small and Medium-sized Enterprises, which is a good basis for a Recommendation. We are sure that this will be of great value for governments and will help them with their job creation policies.

Finally, I would like to take this opportunity to appeal to ILO member States to contribute to reaffirming the vocation of this Organization as a great forum for dialogue and tripartite social consultation at the international level. The life and reaffirmation of the ILO, to a considerable extent, depends on the application and supervision of Conventions and standards by member States, and the institutions which are members of them. The ILO continues to be the most competent instrument for guaranteeing that capital and labour can live together and contribute to the development of peoples, with social justice, equity and guarantees of peace and coexistence.

Original French: Ms. SASSO MAZZUFERI *(Employers' delegate, Italy; Vice-President of the Conference)*— On behalf of the Employers' group, I would like to express an essentially positive verdict as to the results of this Conference. Work in plenary and in the committees took place in a spirit of cooperation. Even the contrasts which are natural among the groups had constructive effects which may be briefly summarized.

First of all, we had the constitutional amendment. Then a Convention on private employment agencies, which will help to make the labour market more flexible. The positive impact of these standards will very soon be seen in our countries and it will also be possible using this method to alleviate the scourge of unemployment. As far as the Recommendation is concerned, a certain number of abstentions were recorded because of the excessively rigid and complicated nature of the instrument. This should be duly noted.

We have obtained good results in the Committee on job creation in small and medium-sized enterprises, and we are very pleased about this.

In the Committee on contract labour, which was more difficult and complex, the report on the deliberations sets forth the points that still remain to be clarified or amended. Between now and next year we will have time to go into the controversial issues in greater depth and try to come up with formulations which are acceptable to the three groups. Above all, we must make good use of this time, and not simply follow bureaucratic routines in the time period between the two sessions of the Conference. This, at least, is my sincere wish.

I should also like to make a few remarks about the more problematic aspects of this Conference. With respect to the discussions of the Reports of the Chairman of the Governing Body and of the Director-General, I noted that, barring a few exceptions, none of the speakers managed to respect the time-limit of five minutes. The average length of statements was about seven minutes, or more. This fact should be taken into account for the organization of future work.

With respect to the work of the technical committees, we need to give some thought to the problems which the groups had to surmount, particularly in the first few days, because of the lack of experience of the Officers of certain committees. This made it sometimes difficult to understand the attitudes adopted by one group with respect to the others, giving rise to deadlocks which did not help to promote the finding of rapid and effective solutions to controversial points. In these cases there is increasing recourse to ILO officials, who are called upon to provide explanations or to request the application of certain rules, which may be very difficult and complex, in particular for those who are participating for the first time in the debates. It is not always a matter of legal problems, but sometimes also of practical advice to help to facilitate consensus. It is thus vital that these officials should be prepared to respond to calls for assistance more and more frequently, which makes their workload very heavy. It also means that we should give some thought to the ever greater involvement of these true guardian angels of the Conference.

In conclusion, Madam President, I should like to emphasize what an honour and a pleasure it has been for me to work with you, and with the other two Vice-Presidents, Mr. Khalil and Mr. Ramírez-León, as well as with the Director-General, Mr. Hansenne. To him and to his staff, I should like to address my thanks and my compliments for their collaboration in the organization of our work. I am also grateful to the interpreters for their constant assistance in the lengthy days of discussion during the plenary sittings. On a personal note, the experience that the Employers' group has given me this year has been extremely interesting and enriching. I have learned a great deal from all of you, and I would like to thank you most warmly.

Original Arabic: Mr. KHALIL *(Minister of Social Affairs and Labour, Syrian Arab Republic; Vice-President of the Conference)* — It is an honour for me to have the opportunity, at this closing sitting, to express the appreciation of the delegation of my country to all the Government delegates to this Conference who bestowed on me the honour of electing me Government Vice-President at this session. I should also like to express my appreciation to the Asian Government group and the Arab Government group which nominated me for this position.

I should like to take this opportunity to express my thanks to all the participants at this Conference for the support I was given at the sittings over which I presided. I should also like to express my appreciation to the ILO, the Director-General and his staff, for all their work in contributing to the smooth running of the Conference. Positive results were achieved under the able and wise guidance of the President of the Conference, who set the tone of this session.

We would like to express our full appreciation to the Government, people and country of Slovakia.

During this session we met with success. In many ways this session was an extraordinary one given the constructive spirit that characterized it in the plenary sittings, the committee meetings and also in the smaller meetings. The session has further reinforced this Organization which is becoming a more and more important partner in the United Nations family, on account of its noble objectives, in particular that of the promotion of social justice. It is also an Organization that is becoming increasingly important in view of its universal constituency and its tripartite structure which promotes social dialogue around the world.

Today, more than ever before, we are committed to the mission of the ILO, especially in this historic period of globalization which is accompanied by fears that social issues will be overshadowed by economic ones. There is growing concern that globalization will take a heavy toll on workers, causing them to lose the rights that they long struggled to acquire. This is why we hope that our Organization, the ILO, will convey our position to the financial institutions, defending the principle of social justice and thus acquired labour rights which provide workers with a certain dignity.

The ILO must continue to defend the truth, which is that economic development must have as its primary objective the development of people, their well-being and their prosperity. Money is not a goal in itself, it is only a means, nothing more; a means to achieve welfare for all as well as justice and equality, in the interests of the labour force in particular.

We thank the Director-General for discussing the issue of labour standards in the context of globalization. The discussion that took place on his Report will certainly help the world realize the need to defend social and labour standards and to support the efforts made by all the social partners in full knowledge of the importance of the period in which we are living. The Organization must maintain its credibility and inspire confidence.

We look forward to the next session of the Governing Body which will take into consideration the opinions of all constituents of the Organization, enabling the ILO to give globalization a human face that will stop marginalization and poverty becoming even more widespread, for such phenomena are completely unacceptable now that we are on the threshold of the third millennium.

The Conference has adopted the budget for the next biennium and a number of new standards. This is proof that we are all committed to helping the ILO achieve its objectives so that it may always be a vital component in the United Nations family.

The Conference was honoured this year by the presence of His Majesty, King Hussein of Jordan. His words had a considerable impact, particularly when he spoke of the situation concerning lasting peace in the Middle East. Persisting Israeli practices have led to deadlock. These practices have frustrated the hopes and missions of all peace-loving nations. Peace can only be achieved on the basis of social justice. Military occupation, oppression and arbitrary action together with their consequences such as the confiscation of lands and resources, disregard for the rights of others, and so on, are all in obvious contradiction to the principles of the ILO which are based on the protection of fundamental rights — the right to work, to produce and to live in dignity. Therefore we would like to express our appreciation for the work the ILO and the Director-General have done to follow up the true situation of Arab workers in the occupied Arab territories in Palestine the Syrian Arab Republic and Lebanon.

We thank them for sending a mission each year to look into the situation of these workers.

The visit of Mr. James Wolfensohn of the World Bank and his exchange with the Members at the Conference had a very positive impact. Members will no doubt look forward to other visits from prominent guests, so that we may achieve greater integration between the world of labour, represented by the ILO, and the world of economics, finance and trade, represented by other international organizations whose role is becoming increasingly important.

Such integration between our organizations is essential if we really wish to guarantee peace and stability in the world, and in particular in the developing countries and those most in need of assistance to fight unemployment, poverty and marginalization, and if we wish to protect disadvantaged groups such as women and children, and to promote social security and improved conditions of work.

Allow me once more to convey my sincere thanks to you all.

Original French: The SECRETARY-GENERAL — Madam President, the three Vice-Presidents who have just spoken have expressed the gratitude of the different groups that make up this assembly. I would like to associate myself with these congratulations and these thanks on behalf of the International Labour Office, and in particular, on behalf of the team of officials who have been working closely with you and the Vice-Presidents throughout these nearly three weeks. For this short time, they found in you a kind and efficient boss. And so, all of us, the delegates and the Office, thank you for the way in which you conducted your presidency, allowing us — as has been recalled by several participants — to hold a Conference which achieved extremely positive results. It merely remains for me, as I do every year on everyone's behalf, to present you with a small token which symbolized your presidency and the important place that you now hold in our Organization's history: the ceremonial gavel.

The PRESIDENT — Thank you, Mr. Hansenne, for your kind words and for giving me this gavel, which I will always cherish as a memory of these three weeks of deliberations, sometimes converging and sometimes contrasting opinions, expressions of hopes and fears, difficulties and successes, images of hard realities and dreams of a better world. Although in my capacity as Minister of Labour, Social Affairs and the Family of the Slovak Republic, I had the pleasure of attending previous sessions of the Conference, my election to chair this illustrious assembly filled me with awe because of the responsibility it involved. Today, as we prepare to part, I have an even deeper understanding of the significance of this world parliament of labour and the potential it represents. While recognizing the importance of the work accomplished during these days, I am also very much aware of the immensity of the task that lies ahead. Although I feel that we can go home with a sense of having added a chapter to the history of social development, we should be neither triumphant nor fully satisfied with our achievement, because we are still very far away from fulfilling our mandate as outlined in the Constitution and the Declaration of Philadelphia.

According to this mandate, "it is a responsibility of the International Labour Organization to examine and consider all international and financial policies and measures" in the light of the fundamental objective to create conditions "in which all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity". These words of the Declaration of Philadelphia should be a constant reminder that before creating welfare programmes or safety networks for those millions who fall through the torn nets of national and international policies, we have to do our utmost to promote such economic and financial policies which would create the conditions for the achievement of the goal outlined in the Declaration.

When focusing on the challenges of globalization, it is important to recall that globalization in itself is neither good nor bad. Its impact will depend on whether we will be able to channel its forces in the right direction. In other words, increased productivity, flexibility and the internationalization of communications and trade should not be perceived as ends in themselves.

They should rather be judged on their capacity to promote material well-being, spiritual development, economic security and equal opportunity. Our task is therefore to use all means in our possession, including the standards mechanism of the ILO, to ensure that globalization improves and does not deteriorate the human condition. However, if globalization results in increased accumulation of riches in the hands of a few and creates more poverty and suffering for large segments of society in all parts of the world, we will have to ring the bells of alarm.

I venture to say that the present political, economic and social circumstances are as crucial as those which in 1919 called for the creation of the International Labour Organization. We are at the threshold of a revolution which has no comparison in modern history. Therefore, we must be aware of the fact that our decisions, programmes and activities, but also our failures to act, may have historic consequences. We simply cannot afford to be passive or to sanction trends and developments which might deteriorate the living and working conditions of those whom we are to serve. While understanding the need to be realistic, pragmatic and lucid, we need to have the courage to be controversial and go against the tide if the promotion of social justice so requires.

Globalization of the economy and trade alone pose complex challenges to governments, employers and workers alike. These challenges are, however, further complicated by the cultural and digital revolution, massive migration, the struggle of countries with their debt burden and the transition of a large number of countries from centrally planned to market economies. It requires super-human efforts to cope with the transformations necessitated by all these processes. Yet it seems that greed and protectionism often gain the upper hand over compassion, collaboration and justice — three elements which are essential for minimizing the negative and maximizing the positive impact of globalization.

We in Central Europe often have the feeling that neither the magnitude and the unprecedented nature of the transition processes nor the opportunities they provide are fully appreciated by the international community. If they were the so-called "business as usual" attitude would give way to a revision of decisions and policies in response to the new situation. People in transition economy countries are aware of the need to modify their institutions, production processes, social security systems, legislation and even more importantly, their thinking and their attitudes. They know that democratization also requires the development of civil society, the taking of initiatives, the creation of non-governmental organizations, opening up to other cultures, customs and traditions and the safeguarding of their own identity. Are people in industrialized market economies equally aware of the need to change in order to respond to the challenges posed by the new status quo?

The tripartite structure of the ILO and the resulting search for dialogue and consensus could play a very important role in this respect as well. It could develop our capacity to listen to each other, to see reality from different angles, to prevent conflict and to become partners in shaping our future. It could also highlight the interdependent nature of our world and the necessity not only for the social partners, but also for nations and regions, to meet each other in humility and respect.

These points have been highlighted also by our two special visitors, His Majesty King Hussein of Jordan and Mr. J Wolfensohn, the Director of the World Bank. Both of them stress the need to actively engage in the building of just and peaceful societies. As you know, present conflict situations even prevented several of ILO member States from participating in our Conference. This should serve as a reminder that the promotion of lasting peace is one of the most important mandates of our Organization.

Let us not underestimate the role that the ILO is called to play in this world of far-reaching transformations. The tripartite structure of the ILO gives this Organization an important comparative advantage in assisting governments, employers and workers to redefine their role for the twenty-first century and to form partnerships which are essential to face the challenges of globalization. Our responsibility is immense. Listening to the statements of many delegates it became clear to me that we simply cannot afford to play a marginal role.

I want to thank all of you, once again, for the honour you bestowed upon me and my country by asking me to guide our deliberations. I learnt that in the 78 years of the ILO's history I was the fourth woman to chair the Conference. The first was elected in 1941, and the last one before me in 1984, that is 13 years ago. Moreover, it is the first time that the Employer Vice-Chairperson was a woman. I take this as a sign of a growing awareness of the necessity to work together, women and men, for the common good. However, when I observe this assembly, I realize that we still have a long way to go before this Conference becomes an expression of the equality of opportunity and treatment which the ILO has been advocating since its inception. It is my ardent hope that next year the composition of the Conference itself will serve as an example of equity and social justice.

Let me mention at this point that I greatly appreciated the panel discussion organized on women's questions. I hope that, as of next year, this gathering will become an official part of the International Labour Conference, and will be attended by both men and women. I also hope that the composition of the staff of the Office, where women are still underrepresented in decision-making positions, will become an expression of equality.

I would like to stress that equal opportunity and treatment for women are neither a luxury nor a favour, but a basis for democratization and social justice. They are equally an economic imperative. Whereas we have made undeniable advances in ensuring that attention be paid to the promotion of women at the national and international levels, it still remains to be universally understood that without the advancement of women we cannot eradicate poverty; without the advancement of women we cannot create fully democratic societies; and without the advancement of women we cannot formulate economic and financial policies which promote social justice.

To illustrate the first point, let me recall that according to research results, one-third of the world's households is headed by a woman. As a direct consequence of women's disadvantaged situation concerning education, employment, inheritance rights or land tenure and the various forms of dissemination they experience in their daily life, most of these households belong to the poorest segments of society. Their children, boys and girls, are those who are most likely to receive little or no education, run the greatest risk of becoming child workers and later perpetuate the vicious circle of poverty and exclusion. Neglect of women's education and training, coupled with limited access to land, productive efforts and credit not only deprive women and their families of income but also reduce the skill level of nations' human resources, limit the level of national production and prevent countries from being competitive in the global market.

Equally, no society can call itself fully democratic while legislation and entrenched habits prevent women from participating in the shaping of their societies' future and while children grow up with the understanding that it is permissible to give privileges to some and limit the rights of others. Democracy is not a static condition. Its maintenance requires constant vigilance and perseverance and has to permeate all social, political and economic spheres. The condition of women can therefore hinder or enhance the democratization processes of nations and can also be regarded as an indicator of the level of democracy.

Women's limited access to decision-making at the national and international levels also influences the development of political, economic and financial policies. Since most societies cultivate a different set of values in men and women, those which are assigned to women are usually absent from shaping important policies. Yet, if we want to put the human being at the centre of development, if we want to share the benefits of globalization and if we want to bring about social justice, we have to promote the revaluation of caring, protecting, nurturing and the ability to perceive the needs of others.

During our Conference these values have been translated into practice by the most important assets of the ILO, namely its human resources. As President of the Conference I could witness the meticulous organizational work this major event requires and the professionalism and motivation of a large group of persons without whom we would not have been able to accomplish our work.

The Director-General of the ILO can be proud of his staff, which fulfils its role in spite of the fact that as a result of financial constraints the duration of the Conference has been shortened and consequently the same work has to be done during a shorter period of time. The dedication of ILO officials to this Organization gives them the strength to work long hours, often overnight. Colleagues like that have to be valued and appreciated.

During the Conference I had the chance to meet the President and Vice-President of the ILO's staff union, who shared with me their desire to improve communication and dialogue between the administration and the staff, with a view to improving staff-management relations. I believe that the message of this Organization concerning social dialogue, consensus and adequate working conditions should be communicated to others through words and deeds. The structures, functioning, personnel relations and personnel policy of the ILO should serve as an example to those whom we try to convince of the importance of social justice. Mr. Hansenne, I trust that under your guidance the ILO will optimize the use of its existing human resources and will motivate and encourage them through adequate consultation and dialogue. We all know that a participatory management within the Organization would enhance its credibility.

Before I declare this Conference closed, I would like to thank all those who contributed to its smooth functioning. First of all let me express my gratitude to the three Vice-Presidents of the Conference, His Excellency Mr. Ali Khalil, the Minister of Social Affairs and Labour of the Syrian Arab Republic, Mrs. Lucia Sasso-Mazzufferi of Italy, who entered the history of the ILO as the first woman Vice-President representing the Employers, and Mr. Federico Ramírez León from Venezuela, the Vice-President representing the Workers, who together with Mr. Ali Khalil demonstrated infinite patience when they were addressed as "Madam Chairperson". I thank also the distinguished delegates for their understanding and for their readiness to work until the late hours in order to accomplish the work.

I thank the Secretary-General and his colleagues who stood by my side during the entire Conference for their efficiency and energy. I would also like to express appreciation for the work accomplished by the Presidents and Vice-Presidents of committees, as well as the representatives of the Secretary-General, the Experts, committee secretaries and committee clerks whose relentless efforts enabled the committees to finish their work on time.

Last, but not least, let me thank the interpreters, whom we have not seen but whose voices we became familiar with. Without their professionalism and efficiency we would not have been able to communicate with each other. I therefore ask you to give them and all others whose work behind the scenes enabled the Conference to come to a successful conclusion, a well-deserved round of applause.

We can now return to our countries with the feeling that we have added another stone to the construction of more equitable and just societies. However, let us not forget the immensity of the task still ahead of us. I therefore wish all of us courage to examine and redefine our roles as governments, employers and workers, wisdom to form partnerships with each other and confidence that together we can master the changes we are facing.

And now I declare the 85th Session of the International Labour Conference officially and solemnly closed.

(The Conference adjourned sine die *at 1.15 p.m.)*

CONSTITUTION AND STANDING ORDERS

International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

1

Seventh item on the agenda: Proposed amendment to the Constitution to add a new paragraph to article 19 so as to enable the Conference to abrogate obsolete international labour Conventions and consequential or related amendments to the Standing Orders of the International Labour Conference

Report VII

I. Introduction

1. Paragraph 1 of article 46 of the Standing Orders of the Conference provides as follows:

> Any proposal for the amendment of the Constitution of the Organization shall only be considered by the Conference if it has been included in the agenda of the Conference by the Governing Body at least four months before the opening of the session at which it is to be considered in accordance with article 14 of the Constitution, or has been included in the agenda of the Conference by the preceding session of the Conference in accordance with paragraph 3 of article 16 of the Constitution.

2. In accordance with that provision, the Governing Body unanimously decided at its 267th Session (November 1996)[1] to include in the agenda of the 85th Session of the Conference the question of an amendment to the Constitution of the International Labour Organization which would add a new paragraph 9 to article 19 to enable the International Labour Conference to abrogate, by a majority of two-thirds of the votes of delegates present, any Convention adopted in accordance with the provisions of article 19 of the Constitution if it appears that it has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization.

3. The text of the draft constitutional amendment and related modifications to the Standing Orders of the Conference are set out in section IV. The provisions of the Constitution and Standing Orders that are relevant to the consideration of the proposed amendment to the Constitution are reproduced in the Annex to this document. It will be noted that, in accordance with article 47, paragraph 2, of the Standing Orders of the Conference, the latter should on its opening day take a decision as to whether the draft is to be considered in full Conference or first referred to a committee. In line with the new arrangements for the functioning of the Conference, since the plenary is not expected to meet until a week later, the draft will need to be referred to a committee for report. Since a large degree of consensus on the substance of the proposal has already been manifested among the members of the Governing Body, the plenary will be invited to decide that the package of constitutional and related[2] Standing Orders amendments be referred in the first instance to the Standing Orders Committee which is due to be established in any case for the consideration of other matters on which the Governing Body has also decided to recommend amendments to the Standing Orders. If the Conference so decides, the Standing Orders Committee will thus become a "Committee on the Amendment of Article 19 of the Constitution and on Standing Orders".

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[1] See document GB.267/9/2.

II. Purpose of the proposed amendment

4. The problem of how to deal with ineffective or outdated international labour Conventions is almost as old as the Organization itself. At a very early stage, the International Labour Conference was confronted with the need to remedy the flaws or the failure of instruments that were adopted during the first sessions. While there were no constitutional provisions which could have prevented the Conference from adopting new instruments on a subject-matter already covered by earlier instruments, there were none either indicating how to deal with the Conventions that the Conference would have wished to replace. The ILO Constitution is silent on the entire matter — including the question of the conditions for entry into force, which in practice have been dealt with in the final clauses of the Conventions.

5. Ten years after the creation of the Organization, the Governing Body and the Conference addressed the question. After an extensive debate — and not without certain reservations — the International Labour Conference did not consider that it had the power to abrogate the Conventions that it wished to replace with the new instruments. This conclusion reflected certain practical considerations and also the view that, once adopted, international labour Conventions became "true contracts" between the States that had ratified them. Thus in the absence of an enabling provision in the Constitution of the time, they were beyond the reach of the Conference.

6. As a result, the Conference could not terminate the obligations that the States parties to the Conventions had assumed by ratification. The Conference could not even prevent a Convention which was already ratified from producing new obligations (on account of new ratifications) *unless the Convention in question contained specific provisions authorizing the Conference to do so.* It was for this reason that, as from 1929, the final clauses of international labour Conventions contained a provision which enabled the Conference to close a Convention to further ratification by means of a new revising Convention.

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[2] It should be pointed out that not all of the proposed Standing Orders amendments would be consequential, that is to say conditional upon the entry into force of the instrument of constitutional amendment. This point is examined in paragraphs 13 and 14 of section III below.

7. Despite this important innovation, however, significant lacunae still existed: firstly, only the denunciation of a Convention by the States parties to it, under the conditions set out in that Convention, could terminate the legal obligations thereby created, even if the Conference considered that such obligations no longer made a useful contribution to attaining the Organization's objectives. Secondly, the Conference had no competence in respect of Conventions adopted before 1929, since these Conventions did not contain the special clause enabling the Conference to close them to further ratification, even if they had become patently obsolete. Thirdly, in order to prevent a Convention which was recognized as obsolete from continuing to give rise to new obligations, the Conference was obliged to undertake its revision. Such a revision might, however, be totally inappropriate or untimely as, for instance, in the case of a Convention which contained outdated provisions, where it would have been preferable to simply close that instrument to further ratification.

8. Since then, however, certain measures have been taken to moderate the consequences of the accumulation of revising and revised instruments. The Governing Body has decided to classify a certain number of Conventions as *dormant*[3] (i.e. reports on application under article 22 of the Constitution are no longer requested) or *shelved*[4] (i.e. the Conventions are left dormant and cease to be published). These measures, although they have helped to alleviate the problem in practical terms, could not and did not have any impact on the legal existence of obsolete Conventions, which could, theoretically at least, continue to be ratified (if they were adopted before 1929) and also, for those in force, be the subject of a representation or a complaint under article 24 or 26 of the Constitution.

9. Within the overall context of the re-examination of existing Conventions with a view to their revision, the question arises as to the manner in which it would be possible to deal more satisfactorily and effectively with obsolete Conventions from both the legal and practical standpoints. As stated in the Office paper submitted to the Working Party on Policy regarding the Revision of Standards of the Committee on Legal Issues and International Labour Standards of the Governing Body in March 1996:

> It is therefore up to the Governing Body to examine whether, in cases when the Organization has truly reached the conclusion that the obligations deriving from a given Convention no longer have any real influence on social progress, it might not be preferable — from the standpoint of the credibility and clarity of the standard-setting system — to be able to take all the steps that follow from that conclusion.[5]

10. Extensive discussions on the question have accordingly taken place in the Governing Body, at its 265th and 267th Sessions (March 1996 and November 1996), in which all aspects of the question including the legal and practical aspects, as well as various possible solutions, were thoroughly discussed. On the recommendation of the Working Party, the Committee on Legal Issues and International Labour Standards and the Governing Body agreed that a constitutional amendment which would give to the Conference the power formally to abrogate obsolete international labour Conventions appeared to be the simplest, most effective and legally unchallengeable solution. Such a solution could provide the most effective answer to the reasoning which was at the base of the "contractual approach" since, as explained in the relevant Office document:

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[3] See documents GB.229/10/19, GB.231/13/18, GB.232/9/17.

[4] See document GB.265/8/2, para. 24.

[5] See document GB.265/LILS/WP/PRS/2, para. 15.

> In fact, the contractual approach was only able to prevail because the Constitution — as indeed the Conventions themselves — was silent as to the Conference's possibility of abrogating instruments. If this gap were to be filled, it would also lose its *raison d'être* [...] When making an overall assessment of the merits as well as the difficulties inherent in this constitutional approach, it is important to bear in mind the symbolic value that the power conferred on the Conference would have on the image of international labour Conventions; they would cease to seem a mere juxtaposition of more or less disparate treaties and be viewed as a real body of international labour "legislation".[6]

11. The question also arose as to whether member States which are parties to a Convention that is to be abrogated, but wish to remain bound *inter se* by the obligations arising out of it, should not be allowed to "contract out". This question was addressed in the Office paper prepared for the 267th Session of the Governing Body (November 1996) in the following terms:

> [...] it must be clear in this respect that there is nothing in treaty law which allows the ILO, even through recourse to a constitutional amendment, to prevent States parties to a Convention which wish to remain bound *inter se* by the obligations resulting from this Convention to decide to do so. It must also be clear that the abrogation of the Convention is not at all supposed to affect the national legislation which gives it effect if the Member does not wish to amend it. But conversely, nothing allows these States to claim from the Organization itself a kind of subjective right to the continued application of these obligations; they may only claim in this respect the rights granted under the Constitution in its current wording, and to participate with all the other Members in the adoption of a constitutional amendment to alter these procedures.[7]

12. After a careful examination of the question, the Committee on Legal Issues and International Labour Standards and the Governing Body took the view, however, that this option would be neither legally justifiable nor practically advisable. With the proposed constitutional amendment, the authority for the Conference to abrogate international labour Conventions in certain circumstances would thus be based on an international agreement, namely the ILO Constitution itself, which all Members have accepted, including the procedures that it contains for amendment (see the Annex to this document). The Governing Body has decided, therefore, that the solution to be recommended to the Conference should be that of an amendment which would delegate authority to the Conference to abrogate the Conventions qualified as obsolete, especially in so far as the obligations arising therefrom are concerned. It was admitted, however, that such a power should be subject to sufficient guarantees so that it is exercised in a reasonable manner, and accordingly the Governing Body proposed a detailed procedure to this effect. Those guarantees are examined below.

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[6] ibid., paras. 26 and 28.

[7] See document GB.267/LILS/WP/PRS/1, para. 13.

III. Scope of the proposed amendment and procedure for abrogation and withdrawal

A. Scope of the proposed amendment

13. In the documents submitted to the Working Party for examination, the Office had drawn attention to the fact that, if it was true that only a constitutional amendment could confer on the Conference the power to put an end to the legal obligations deriving from ratified Conventions, it would also follow that the scope of such an amendment should be limited to those cases where such legal obligations have been established as between two States or more. The Governing Body thus noted that no express constitutional authority was needed for the Conference to *withdraw* a Convention that had either not come into force or was no longer in force because of denunciations, since no such obligations exist in these cases. The same applies *a fortiori* to international labour Recommendations, which cannot create such obligations.[8] As explained in the background document:

> Under the term "abrogation" the constitutional practice of the Organization and the previous documents on the subject have tended to lump together the abolition of all Conventions considered as obsolete, whether or not they are in force. Although the Constitution does not make such a distinction or, more exactly, does not say anything about the conditions of entry into force of Conventions, the situation is not at all the same in each case. Beyond the obligation of placing an instrument before the competent authority, a Convention which has not come into force does not create legal obligations either with regard to other member States or to the Organization itself. If it is not closed to ratification, its most specific legal effect is that it may receive other ratifications (even if such ratifications have been discouraged, the Director-General does not, however, have the power to refuse them) and thus enter into force at any time. [...] It would [therefore] be regrettable if the impression were inadvertently given that this amendment is also necessary to authorize the Conference to withdraw Conventions which have not entered into force, in particular if the constitutional amendment in question here took a long time to come into effect. This is why it seems timely to indicate in an appropriate manner that this amendment does not in any way prejudice the power of the Conference to close to any further ratification a Convention which has not come into force and to thus cancel that Convention's capacity to produce its legal effects. Since the concept of coming into force does not appear in the Constitution, it would seem preferable to establish an appropriate distinction between abrogation and withdrawal in the Standing Orders.[9]

14. Although the withdrawal of such instruments requires exactly the same strict procedural guarantees as those applying to abrogation (which are described later), it should thus be clearly understood that, if the Conference so wished, it could *withdraw* an instrument of this kind without waiting for the entry into force of the constitutional amendment relating to the *abrogation* of obsolete international labour Conventions. An appropriate footnote has thus been included to that effect to the relevant amended provisions in the Standing Orders (articles 11 and 45bis of the Conference Standing Orders).

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[8] As it was pointed out in document GB.267/LILS/WP/PRS/1, para. 9, there has been a tendency so far to set aside the question of international labour Recommendations since Recommendations do not create an obligation in the strict sense for either States or the Organization, so that their obsolescence does not have any practical consequences. However, once the problem of the abrogation of Conventions is examined, it is no longer possible to avoid raising the question of obsolete Recommendations it may however be considered that a constitutional amendment is not necessary for this purpose, since the Recommendation does not create any obligations between States, and a simple *acte contraire* would be sufficient to withdraw it if it became obsolete.

[9] See document GB.267/LILS/WP/PRS/1, paras. 5 and 7.

B. Procedure for abrogation and withdrawal

15. In the case of abrogation as in the case of withdrawal, it should be stressed that the proposals referred to the Conference are only *enabling* ones. In other words, they are designed to make it possible for the Conference to put an end to the legal existence of these instruments if and when this should be found desirable. But they do not in any way prejudge the question as to whether this would be *desirable* in any specific case: the background documents submitted by the Office as well as the discussion itself emphasized that the identification of obsolete Conventions and Recommendations could only proceed on a very careful case-by-case basis. In order to ensure all the necessary guarantees for this process to be applied, the general approach which was agreed on was that the abrogation of a Convention (or its withdrawal when it is not in force) should be by way of an *"acte contraire"*: in other words, the Conference should go through procedures analogous to and offering the same guarantees as those applicable to the adoption of international labour standards.

16. This approach implies in the first place that the question of the abrogation of a Convention in force (or that of the withdrawal of a Convention not in force or of an obsolete Recommendation) has to be placed on the agenda of the Conference and that the same rules should be applied *mutatis mutandis* as for the adoption of a new instrument. As a precautionary measure, it was agreed that the Governing Body decision to place the question of abrogation or withdrawal of an instrument on the agenda of the Conference must as far as possible be taken by consensus. This also means that the final decisions on abrogation or withdrawal must be taken by the Conference applying the same majority rule. The reasons why it was felt important to keep the same voting provisions as for adoption were explained as follows:

> While abrogation is an act as serious as that of adoption, it is not a more serious act, and subject to what is proposed in the following paragraph, there does not seem in the end to be any reason to require a conditional majority. Furthermore, since it is a serious act, each government and non-government delegate must be committed individually. This is why it appears important to maintain the record vote rather than the anonymous system of consensus during the final vote at the Conference. That being said, the legitimate desire to prevent the possibility of a coalition of two groups proceeding to abrogation against the desire of the third, may and must be taken into account. The simplest and most economic means of doing so and one which would be most consistent with the constitutional balance mentioned above would be to introduce this guarantee of consensus at the upstream stage, i.e. when the Governing Body must decide to place the matter on the Conference agenda.[10]

17. In accordance with the various provisions that have thus been unanimously proposed by the Governing Body (see section IV below), the procedure for the abrogation of an obsolete Convention (or the withdrawal of a Convention that is not in force or of an obsolete Recommendation) would be as follows:

(a) The matter would first need to be raised in the Governing Body. The discussion would be based on an Office report containing all relevant information on the subject. After examination, the Governing Body might then decide by consensus to place the question on the agenda of the Conference. If, however, consensus could not be reached in two successive sessions of the Governing Body, a decision might still validly be taken by a four-fifths majority. This latter qualified majority was thought necessary in order to exclude the possibility of a decision being taken despite the opposition of one of the three groups.

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[10] ibid., paras. 25 and 26.

(b) Once placed on the agenda of the Conference, the Office would request all governments of member States by means of a questionnaire transmitted 18 months before the session of the Conference to indicate their position after having consulted the most representative employers' and workers' organizations. On the basis of the replies, the Office would draw up a report with its final proposal which would be distributed to governments four months before the session of the Conference.

(c) The Conference might deal with the question either directly in a plenary sitting or first refer it to the Selection Committee. After having completed the examination of the Office report either in plenary or in a committee, the Conference would be invited to decide by consensus or, failing that, by a two-thirds majority to submit the proposal for abrogation to a final vote. This final record vote, calling for a majority of two-thirds of the votes of delegates present, could not take place earlier than the day following the preliminary decision.

IV. Proposed texts[11]

18. In conformity with article 47, paragraph 1, of the Standing Orders of the Conference, the following draft constitutional amendment is submitted to the Conference as the basis for discussion. The Conference is also invited to consider and adopt the proposed consequential and related amendments to its Standing Orders, it being understood that, as far as abrogation is concerned, the adoption of these amendments will depend on the final vote on the constitutional amendment. The footnotes below are therefore proposed for adoption in conjunction with the amendments to the Standing Orders. The corresponding amendments to the Standing Orders of the Governing Body, for eventual adoption by the Governing Body itself, are attached for information only.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION

Article 19

. . . .

9. By a majority of two-thirds of the votes of delegates present, the Conference, acting on a proposal of the Governing Body, may abrogate any Convention adopted in accordance with the provisions of this article if it appears

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[11] Text to be inserted is in bold.

that the Convention has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization.

PROPOSED CONSEQUENTIAL AND RELATED AMENDMENTS TO THE STANDING ORDERS OF THE CONFERENCE

ARTICLE 11

1. The procedure for the consideration of proposed Conventions and Recommendations, **as well as the procedure for the abrogation[12] or withdrawal of such instruments adopted by the Conference,** shall be governed by the rules concerning Convention and Recommendation procedure set forth in section E of Part II.

ARTICLE 45BIS

Procedure to be followed in the event of the abrogation[12] or withdrawal of Conventions and Recommendations

1. When an item to be placed on the agenda of the Conference concerns the abrogation of a Convention in force or the withdrawal of a Convention which is not in force or of a Recommendation, the Office shall place before the Governing Body a report containing all relevant information which the Office possesses on this subject.

2. When an item on abrogation or withdrawal is placed on the agenda of the Conference, the Office shall communicate to all governments, so that it reaches them 18 months before the session of the Conference, a short report and questionnaire requesting them to indicate within a period of 12 months their position, along with the reasons therefor, on the subject of the said abrogation or withdrawal, along with the relevant information. This questionnaire shall request governments to consult the most representative employers' and workers' organizations before preparing their final replies. On the basis of the replies received, the Office shall draw up a report containing a final proposal which shall be distributed to governments four months before the session of the Conference.

3. The Conference may decide to examine this report and the proposal which it contains directly in a plenary sitting or send it to the Selection Committee. At the end of this examination in the plenary or in the light of the report of the Selection Committee, as appropriate, the Conference shall decide by consensus or, failing that, by a preliminary vote by a two-thirds majority to submit the formal proposal for the abrogation or withdrawal of the instrument to a final vote. This record vote shall take place no earlier than the day following the preliminary decision.

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[12] Only applicable upon the entry into force of the Instrument of Amendment to the Constitution of the International Labour Organization, 1997.

CORRESPONDING AMENDMENTS TO THE STANDING ORDERS OF THE GOVERNING BODY

(for information)

ARTICLE 12BIS

Procedure concerning the placing on the Conference agenda of the abrogation[13] *of a Convention in force or the withdrawal of a Convention which is not in force or of a Recommendation*

1. When an item to be placed on the agenda of the Conference concerns the abrogation of a Convention in force or the withdrawal of a Convention which is not in force or of a Recommendation, the Office will place before the Governing Body a report containing all relevant information which the Office possesses on this subject.

2. The provisions of article 18 concerning the fixing of the Conference agenda shall not apply to the decision to place on the agenda of a given session of the Conference an item on such an abrogation or withdrawal. Such a decision shall as far as possible be reached by consensus or, if such a consensus cannot be reached in two successive sessions of the Governing Body, by a four-fifths majority of members of the Governing Body with a right to vote during the second of these sessions.

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[13] Only applicable upon the entry into force of the Instrument of Amendment to the Constitution of the International Labour Organization, 1997.

Annex

Relevant provisions regarding the procedure for the adoption of an amendment to the Constitution

The procedure for the Conference's consideration of the proposed amendment with a view to adoption is governed by article 47 of the Standing Orders of the Conference and article 36 of the Constitution, which reads as follows:

STANDING ORDERS OF THE CONFERENCE

ARTICLE 47

Procedure for the consideration of proposed amendments to the Constitution by the Conference

1. The International Labour Office shall submit to the Conference draft amendments corresponding to the question or questions in respect of which a proposal for amendment has been included in the agenda.

2. The Conference shall decide whether it will take as the basis of discussion the draft amendments prepared by the International Labour Office and shall decide whether they shall be considered in full Conference or referred to a committee for report. These decisions may be preceded by a general debate in full Conference on the question or questions in respect of which a proposal for amendment has been included in the agenda.

3. If the draft amendments are considered in full Conference, each of them shall be placed successively before the Conference for preliminary adoption by a two-thirds majority of the delegates present. During the debate, and until the draft amendments have been disposed of, no motion other than a motion to amend the text of one of them or a motion as to procedure shall be considered by the Conference.

4. If the draft amendments be referred to a committee, the Conference shall, after receiving the report of the committee, proceed to discuss the text of each draft amendment in succession, in accordance with the rules laid down in the last preceding paragraph. The discussion shall not take place before the day following that on which copies of the report have been circulated to the delegates.

5. During the discussion of the draft amendments the Conference may refer one or more of them to a committee.

6. The amendments as adopted by the Conference shall be referred to the Conference Drafting Committee which shall embody them, together with any necessary consequential amendments of the unamended provisions of the Constitution, in a draft instrument of amendment the text of which shall be circulated to the delegates.

7. No amendment shall be allowed to this text, but notwithstanding this provision the President, after consultation with the three Vice-Presidents, may submit to the Conference amendments which have been handed in to the secretariat the day after the circulation of the text as revised by the Drafting Committee.

8. On receipt of the text prepared by the Drafting Committee and after discussion of the amendments, if any, submitted in accordance with the preceding paragraph, the Conference shall proceed to take a final vote on the adoption of the draft instrument of amendment in accordance with article 36 of the Constitution of the Organization.

CONSTITUTION

Article 36

Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organization including five of the ten Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of article 7 of this Constitution.

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Note concerning Standing Orders questions placed by the Governing Body of the International Labour Office before the Conference at its 85th Session

Amendments to the Standing Orders of the International Labour Conference

1. Apart from the amendments to the Conference Standing Orders consequential or related to the proposed constitutional amendment with a view to enabling the Conference to abrogate obsolete international labour Conventions or Recommendations (see *Provisional Record* No. 1), the Governing Body has also referred to the Conference's proposed amendments to the Conference Standing Orders in relation to three separate issues. The first of these amendments concerns the procedure to be followed by the Credentials Committee for the examination of complaints with respect to the non-payment of delegates' expenses. This item was considered by the Governing Body at its 265th Session (March 1996) following which the Governing Body, on the recommendation of the Committee on Legal Issues and International Labour Standards, LILS requested the Office to submit a more complete paper on the question. At its 267th Session (November 1996), the Governing Body discussed the revised Office proposals and approved the text of the draft amendments. The second proposed amendment concerns the 72-hour time-limit for the submission of objections to credentials, and the third relates to the effect on the right to vote of late payments under arrangements for the consolidation of arrears. The Office proposals relating to these questions were examined and approved by the LILS Committee and the Governing Body at its 268th Session (March 1997).

A. Consideration by the Credentials Committee of complaints with respect to the non-payment of delegates' expenses

2. Article 13, paragraph 2(a), of the Constitution provides that each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body. The Credentials Committees, to which complaints alleging violation of article 13, paragraph 2(a), of the Constitution have been submitted in the past in keeping with the provisions of article 26 of the Conference Standing

Orders, have consistently considered that their mandate, as set out in the Standing Orders, provided no clear basis for action in such cases. At the same time, they have expressed the view that the failure to respect this financial obligation could affect the principle of tripartism in a way similar to non-compliance with article 3, paragraph 5, of the Constitution.

3. Thus, at the 79th Session of the Conference (1992), the Credentials Committee requested the competent bodies of the ILO to consider "the possibility of introducing an appropriate mechanism to evaluate the extent to which the obligations under article 13, paragraph 2(a), of the Constitution were being complied with".[1] In 1995, the Credentials Committee of the Conference specifically suggested that the "Governing Body should be requested to consider the possibility of amending or clarifying articles 5 and 26 of the Conference Standing Orders in a way which would set out the role and functions of the Committee with respect to such complaints of non-compliance with article 13, paragraph 2(a), of the Constitution".[2] Following these requests, the Office submitted to the Governing Body proposals for a possible amendment of the Conference Standing Orders so as to cover the consideration by the Credentials Committee of complaints of non-compliance with article 13, paragraph 2(a), of the Constitution. In formulating these proposals in the light of the previous discussions, the Office referred to the following objectives:[3]

……

— the proposed amendment should not be a disincentive to the appointment of advisers; in this connection, Governments pointed out that while the obligation to cover expenses extended to advisers, there was no obligation on them to appoint any advisers; and the Worker members indicated that, without the appointment of advisers, delegations could not effectively participate in the Conference;

— the primary objective should therefore be to ensure that, at the very least and as a matter of priority before making any other appointments, Members appoint and make provision for covering the expenses (for the whole period of the Conference) of the four delegates specified in article 3, paragraph 1, of the Constitution; at the same time, the amendment should avoid transforming this minimum composition into a norm;

— another important objective, stressed by the Employer and Worker members, should be to discourage unequal treatment, as between the three groups, in the numbers of advisers appointed, but (as pointed out by a Government representative) a complaints procedure should not be a "back door" to alleging that a government had appointed an insufficient number of advisers;

— due account should be taken of the financial constraints on certain governments with respect to covering the expenses of advisers and to the factor of trade union pluralism, which may often be related in the sense that it may lead countries to appointing a larger delegation than they can afford;

— the proposed amendment should not unduly increase the workload of the Credentials Committee, whose procedures should ensure that governments which were the subject of allegations of not paying expenses had a proper opportunity to reply.

[1] See International Labour Conference, 79th Session, 1992, *Record of Proceedings*, p. 26/5.

[2] See International Labour Conference, 82nd Session, 1995, *Record of Proceedings*, p. 22/40.

[3] See GB.267/LILS/2.

4. The discussions, as reflected in the Report of the Committee on Legal Issues and International Labour Standards,[4] revealed a general agreement on the objectives underlying the proposed reform. The Employer members, for instance, stressed the importance of the constitutional provision on the payment of expenses as a cornerstone of tripartism, while the Worker members recalled that the voting strength of the groups was often affected on account of the premature departure of delegates whose expenses were not covered. For their part, most Government representatives welcomed the idea of filling the gap under the existing Standing Orders.

5. For some Government members, however, the desired parity between the advisers of each group should not be construed in absolute terms since flexibility was also necessary, and, in fact, there could be justifications for a certain imbalance especially in the case of small countries. It was also noted that although the appointment of advisers remained optional under the Constitution, this would not mean that a government was free to create unwarranted imbalance between the groups in relation to the number of advisers whose expenses were covered. The criteria for the assessment of the seriousness of the imbalance in the appointment of advisers was considered by some to need further clarification. In response to these concerns, the Office pointed out that the wording of the proposed text was sufficiently flexible to allow for occasional imbalances when reasonable or inevitable, since the conditions under which such imbalances could be considered objectionable were strictly defined: the imbalance had to be manifest, of an abnormal or serious nature, and the decision that those conditions were met had to be reached unanimously. Attention was also drawn to the fact that, because the Credentials Committee had a limited membership, it was accustomed to non-protracted deliberations and the taking of unanimous decisions. As such it was felt that neither the assessment of the seriousness of the imbalance nor the unanimity requirement would present any problem for the work of the Committee. In reply to a suggestion to amend the expression "may consider complaints" to read "shall consider complaints", it was pointed out that the proposed text was intended to reflect the fact that the Committee's primary and mandatory role under the Standing Orders was that of considering objections to credentials.

6. The Governing Body has accordingly recommended that the Conference adopt the following proposed amendments to articles 5 and 26 of the Conference Standing Orders:[5]

ARTICLE 5

2. The Credentials Committee shall examine the credentials of delegates and their advisers, and any objection relating thereto, in accordance with the provisions of section B of Part II. *Within the limits laid down in the said section B, the Committee may also consider any complaints of non-observance of paragraph 2(a) of article 13 of the Constitution.*

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[4] See GB.267/9/1.

[5] Passages that it is proposed to insert are in italics.

ARTICLE 26

9. The Credentials Committee may consider complaints that a Member has failed to comply with paragraph 2(a) of article 13 of the Constitution, where:

(a) the Member is alleged to have failed to pay the travelling and subsistence expenses of one or more of the delegates that it has nominated in accordance with article 3, paragraph 1, of the Constitution; or

(b) the complaint alleges a serious and manifest imbalance as between the number of Employers' or Workers' advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates.

10. A complaint referred to in paragraph 9 shall not be receivable in the following cases:

(a) if the complaint is not lodged with the Secretary-General of the Conference before 10 a.m. on the seventh day following the opening of the Conference and the Committee considers that there is insufficient time to deal with it properly;

(b) if the complaint is not lodged by an accredited delegate or adviser alleging non-payment of travel and subsistence expenses in the circumstances set out under (a) or (b) of paragraph 9 or by an organization or person acting on his or her behalf.

11. The Credentials Committee shall, in its report, present to the Conference any conclusions that it has unanimously reached on each complaint considered by it.

B. The 72-hour time-limit for the submission of objections to credentials

7. In recent years, the problem of the limited time available to the Credentials Committee to consider objections to credentials has been aggravated by the shortening of the Conference. Article 26, paragraph 4(a), provides for a 72-hour time-limit for the submission of objections which begins to run at 10 o'clock on the date of publication in the *Provisional Record* of the name and functions of the person to whose nomination objection is taken. The Office's current practice to publish three lists of delegations has meant that, while for the first list no problem arises with the time-limit as it is published on the morning of the day on which the Conference opens, this is not so for the second and third lists. The second list is published eight days after the first while the third list is published two days before the end of the Conference. The Office proposed to reduce that time-limit to 48 hours taking into account the fact that quite frequently objections were lodged before the names of the delegates and advisers in question had been published (and even before their credentials had been deposited) which seemed to suggest that the time-limit was not in any case to be taken to mean a prohibition on submitting objections before publication. The Office also proposed to delete the provision which allows for an extension to be accorded in case of objections concerning the delegates or advisers from a distant country and which would now appear to have lost all its relevance.

8. During the discussions of the question in the LILS Committee it was pointed out that the problem of the time-limit was due to the fact that many governments failed to respect the provisions of article 26, paragraph 1, of the Conference Standing Orders and that it was important that the work of the Credentials Committee was carried out logically and effectively. Considering that the beginning of the Conference was very demanding on delegates in terms of time, the Committee preferred to retain the 72-hour deadline for the submission of objections with regard to names appearing in the first list (Provisional List) as maintaining that deadline posed no difficulty and would not present any problem in practice. It was thus agreed to propose the adoption of the reduced deadline for the other two lists. At the same time, it was recognized that the deadline of 72 or 48 hours did not have much importance for the third list since that list was normally published two days before the end of the Conference. It was also pointed out that the purpose of the proposed amendment was not only to reduce the deadlines, but also to make it possible for objections to be submitted even before names were published, a practice which needed to be encouraged as in many cases these names were normally known in advance. This idea was adequately reflected in the text proposed by the Office, where the words "at the latest" were inserted after the words "within 72 hours".

9. The Governing Body has accordingly recommended that the Conference adopt the following amendment to article 26, paragraph 4(a), of the Conference Standing Orders:[6]

ARTICLE 26

4. An objection shall not be receivable in the following cases:

(a) if the objection is not lodged with the Secretary-General within 72 hours *at the latest* from 10 o'clock a.m. of the date of the publication in the *Provisional Record* of the name and function of the person to whose nomination objection is taken: *Provided that, where the name of the person is published for the first time in a revised list of the names and functions of delegates, the above time-limit shall be reduced to 48 hours* [Provided that the above time-limit may be extended by the Credentials Committee in the case of objections concerning the nomination of a delegate or adviser from a distant country];

C. The effect on the right to vote of late payments under arrangements for the consolidation of arrears

10. In accordance with article 13, paragraph 4, of the Constitution, as implemented by article 31, paragraph 5, of the Conference Standing Orders, Members who have lost their right to vote due to arrears in the payment of their contribution are permitted to vote if they have concluded a consolidation arrangement approved by the Conference under which the arrears are payable in annual instalments. The Conference decision normally permits a Member which is in arrears in the payment of its contributions to vote so long as that Member was adhering to the arrangement. The present Standing Orders provision was introduced in 1979, the earlier provisions having restricted the validity of the Conference decision only to one year. The current wording requires that in order not to lose its right to vote, a Member has to settle its annual contribution and its instalment no later than the end of the year to which the payment relates. This has given rise to the awkward situation whereby a Member loses the right to vote and consequently the Conference has to repeat the procedure for the restoration of the right to vote simply because its payments arrived after the end of the year to which they related.

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[6] Passages that it is proposed to delete are between square brackets whilst those to be inserted are in italics.

11. In order to avoid the time-consuming procedure involved in the restoration of the right to vote in such a case, the Office proposed that the Conference might wish to further relax its rules so that the right to vote be preserved if payment is made by the last day of the annual session of the Conference. The Office proposed an amendment to article 32, paragraph 2, of the Standing Orders to that effect. The following is the relevant extracts from the report of the Committee of Legal Issues and International Labour Standards on the discussion to which this proposal gave rise:[7]

. . . .

9. The Worker members agreed with the proposed amendment to the Standing Orders, but requested clarification concerning paragraph 4 of the Office paper, which referred to the first day of the annual session of the Conference, and the text of the proposed amendment which referred to payment made at the time of the vote concerned.

10. The Employer members considered the proposed amendment reasonable and supported it.

11. The representative of the Government of Italy, while supporting the amendment, proposed that the words "shall be permitted to vote" in the text proposed by the Office should be replaced by "could be permitted to vote" as it might not be necessary to give such a Member its right to vote if there was no voting before the end of the Conference.

12. The representative of the Government of Austria agreed with the proposed changes but considered that the last sentence of the amendment proposed was obscure and confusing and should be deleted: the first sentence of the proposed amendment would permit a Member to vote if it had paid all instalments under the arrangement by the time of the vote; the last sentence, however, provided that the Member could vote if the amounts due had been paid by the close of the Conference. It therefore added nothing.

13. The Legal Adviser explained that in accordance with article 13, paragraph 4, of the Constitution, a Member which was in arrears of its contribution for the preceding two full years lost its right to vote unless the Conference had authorized that Member to vote. In order to avoid having to repeat this authorization at each session, the Conference had adopted article 32, paragraph 2, of the Standing Orders of the Conference, under which the Member was granted the right to vote for the session of the Conference at which the decision was taken. It retained that right as long as it complied with the arrangement by 31 December of the year in which the contribution and instalments were due. The present proposal addressed two situations. First, it would enable a Member to retain the right to vote without the need for a new authorization by the Conference as long as it had made all payments due by the time of the vote concerned. In practical terms, it would only be necessary for the Treasurer to inform the Clerk of the Conference that the Member had complied with the terms of the arrangement. Since the intention was to obviate the need for the Conference to give a new authorization to vote, it was necessary to retain the words "shall have the right to vote" instead of "could have the right to vote". The second situation addressed by the proposed amendment concerned the case of a Member for which an arrangement had been approved by the Conference and which had not made the required payments by the end of the Conference of the year following that in which the payments were due. Such a Member was not only unable to vote during the current session of the Conference but would also have to request restoration of the right to vote at a subsequent Conference. This provision was necessary to avoid creating an "open-ended" situation where a Member could stop paying its current contribution and instalments for many years and still be able to recuperate automatically its voting right by making a global payment before a vote at any subsequent session. These two situations were reflected in the proposed amendments.

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[7] See GB.268/8/1.

12. On the basis of the above, the Governing Body has accordingly recommended that the Conference adopt the following proposed amendment to article 32, paragraph 2, of the Conference Standing Orders:[8]

ARTICLE 32

2. Notwithstanding the provisions of paragraph 1 of this article, after the Conference has approved an arrangement under which the arrears of a Member are consolidated and are payable in annual instalments over a period of years, [any decision by the Conference permitting that Member to vote shall be valid as long as the Member concerned pays both its current contributions and the instalments on its consolidated arrears during the year in respect of which they are due] *the Member shall be permitted to vote provided that, at the time of the vote concerned, the Member has fully paid all instalments under the arrangement, as well as all financial contributions under article 13 of the Constitution that were due before the end of the previous year. However, if any part of the said amounts is still outstanding by the close of the annual session of the Conference in the current year, the permission to vote shall lapse*.

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[8] Passages that it is proposed to delete are between square brackets whilst those to be inserted are in italics.

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COMMITTEE REPORTS

International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

6(Rev.)

Reports of the Selection Committee

First report

1. Election of the Officers of the Committee

The Selection Committee elected its Officers as follows:

Chairperson:	Ms. R. Sarmiento (Philippines)
Employers' Vice-Chairperson:	Mr. A. M'Kaissi (Tunisia)
Workers' Vice-Chairperson:	Mr. W. Brett (United Kingdom).

2. Discussion of the Reports of the Chairperson of the Governing Body and the Director-General: opening date for the discussion and closing date for the list of speakers

The Selection Committee has decided that the discussion of the Reports of the Chairperson of the Governing Body and the Director-General will begin on Tuesday, 10 June, at 10 a.m., and that the list of speakers will be closed on Wednesday, 11 June at 6 p.m., under the usual conditions.

3. Plan of work of Conference committees

The Selection Committee endorsed a draft plan of work for committees, which would not be binding but would enable them, in organizing their work, to take maximum possible account of the overall needs and possibilities of the Conference. The plan is attached in tabular form for the information of the Conference (Appendix II).

4. Suggestions to facilitate the work of the Conference

(a) Quorum

As in previous years, the Selection Committee invites the Conference to confirm the following principles:

(i) the quorum is fixed provisionally, on the basis of the credentials received, in the brief report of the Chairperson of the Governing Body on the day before the opening of the Conference, which is appended to the record of the first sitting of the Conference. This provisional quorum will remain unchanged until the Credentials Committee determines the quorum on the basis of registrations, it being understood that, if an important vote were to take place in the initial stages of the Conference (once the Credentials Committee has been appointed), the Conference might request the Credentials Committee to determine the quorum in an urgent report;

(ii) thereafter, the quorum will be adjusted, under the authority of the Credentials Committee, so as to take into account new registrations and notices of departure from delegates leaving the Conference;

(iii) delegates should register immediately on arrival, since the quorum is calculated on the basis of the number of delegates registered;

(iv) acceptance of appointment as a delegate implies an obligation to be available in Geneva personally or through an adviser authorised to act as a substitute for the work of the Conference until its end, since important votes often take place on the last day;

(v) delegates who are nevertheless obliged to leave the Conference before it finishes should give notice of their forthcoming departure to the secretariat of the Conference. (The form provided for indicating their date of departure also enables them to authorise an adviser to act and to vote in their place.) At group meetings held during the second half of the Conference the attention of members of the groups will be drawn to the importance of completing and handing in this form;

(vi) in addition, one Government delegate of a country may report the departure of the other Government delegate, and the Secretaries of the Employers' and Workers' groups may also give notice of the final departure of members of their groups who have not authorised advisers to act in their place;

(vii) when a record vote is taken in plenary while committees are sitting, delegates are both entitled and expected to leave committees to vote unless they are replaced by a substitute in plenary. Announcements are made in the committees to ensure that all delegates are aware that a record vote is about to take place. Appropriate arrangements will be made for committees meeting in the ILO building.

(b) Punctuality

The Selection Committee recommends the Conference to ask committee chairmen to start proceedings very punctually — except where a technical section has not yet completed its preliminary discussions — irrespective of the number of persons present, but on condition that votes will not be taken unless a quorum is clearly present.

(c) Negotiations

In order to facilitate more continuous negotiation in committees between the different groups, representatives of each group should meet with the chairperson and reporter of the committee and with the representative of the Secretary-General, whenever this is desirable, to ensure that the leaders of each group know fully the minds of their colleagues in the other groups; normally such meetings are held before each group has committed itself to a definite position. The function of these informal meetings is to afford opportunities for a fuller understanding of differences of view before definite positions have crystallized.

5. Participation in Conference committees by Members having lost the right to vote

At its 239th Session (February-March 1988), the Governing Body considered the implications of the appointment, as regular members of Conference committees, of representatives of a member State which had lost the right to vote under article 13, paragraph 4 of the Constitution of the ILO. It noted that, while the appointment of employers' and workers' representatives from such a State had no practical implications, because the employers' and workers' groups operated an effective system under article 56, paragraph 5(b) of the Conference Standing Orders for ensuring that deputy members of a committee voted in the place of regular members deprived of the right to vote, the same was not true of the Government group. As a result, if a Government that has lost the right to vote is appointed as a regular member of a committee, the distribution of votes between the three groups is distorted because the weighting of votes is based on the full regular membership and in practice the Government regular members of committees who are unable to vote do not make use of the possibility afforded by article 56, paragraph 5(a) of appointing a deputy member to vote in their place.

The Governing Body accordingly recommended that, in order to avoid such distortions, members of the Government group should not apply for regular membership of committees if they were not at the time in question entitled to vote. Should this practice, which has been maintained at all sessions of the Conference since 1987, for any reason not be fully respected, the weighting coefficients in committees should be calculated on the basis of the number of Government members entitled to vote.

The Selection Committee accordingly recommends to the Conference that the calculation of weighting coefficients for votes in committees should be based on the number of regular Government members entitled to vote.

The electronic voting system takes account of this practice.

6. Request by a non-member State to be represented by a delegation of observers at the 85th (1997) Session of the Conference

The Secretary-General has received a letter dated 26 May 1997 from the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office in Geneva, requesting on behalf of the Government of that country an invitation to be represented by a delegation of observers at the present session of the Conference.

The Governing Body has authorized the Director-General to invite the Democratic People's Republic of Korea to be represented at several sessions of the Conference since the 70th (1984) Session, in accordance with article 2, paragraph 3(e) of the Conference Standing Orders.

The Selection Committee recommends that the Conference authorize the Secretary-General to invite the Democratic People's Republic of Korea to be represented at the 85th (1997) Session of the Conference, in accordance with article 2, paragraph 3(e) of the Conference Standing Orders.

7. Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with article 2, paragraph 3(j) of the Standing Orders of the Conference, the Officers of the Governing Body have decided to invite certain non-governmental international organizations to be represented at the 85th Session (1997) of the Conference, it being understood that it would be for the Selection Committee of the Conference to consider their requests to participate in the work of the committees dealing with items on the agenda in which they have expressed a particular interest.

The provision of the Standing Orders of the Conference which is relevant to such requests is article 56, paragraph 9. In accordance with that article ***the Selection Committee recommends to the Conference that the following organizations be invited to be represented in the Committees stated:***

Committee on the Application of Standards

African Federation of Miners, Energy, Chemical and Allied Trade Unions
American Association of Jurists
Anti-Slavery International
Arab Workers Federation for Petrol, Mines, Chemicals, Minerals and Simili
Brotherhood of Asian Trade Unionists
Commonwealth Trade Union Council
Education International
Friends World Committee for Consultation
European Confederation of Independent Trade Unions
Federation of International Civil Servants' Associations
General Confederation of Trade Unions
Hassan Fathy Institute for Construction Workers
International Association of Personnel in Employment Security (IAPES)
International Confederation of Arab Trade Unions
International Confederation of Executive Staff
International Federation of Workers Education Associations
International Council of Women

International Energy and Mines' Organization
International Federation of Building and Wood Workers
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Human Rights Leagues (IFHR)
International League for the Rights and Liberation of Peoples
International Metalworkers' Federation
International Movement ATD Fourth World
International Transport Workers' Federation
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
Latin American Central of Workers
Latin American Union of Municipal Workers
North-South XXI
Pax Christi International
Permanent Congress of Trade Union Unity of Latin American Workers
Postal, Telegraph and Telephone International
Public Services International
Solidar
Southern African Trade Union Co-ordination Council
Trade Union Advisory Committee to the OECD
World Confederation of Teachers
World Federation of Teachers' Unions
World Federation of United Nations Associations
World Jewish Congress
World Movement of Christian Workers
World Young Women's Christian Associations

Committee on the Revision of Convention No. 96

Arab Workers Federation for Petrol, Mines, Chemicals, Minerals and Simili
Brotherhood of Asian Trade Unionists
Commonwealth Trade Union Council
Democratic Organization of African Workers' Trade Unions
Education International
European Trade Union Confederation
General Confederation of Trade Unions
International Association of Personnel in Employment Security (IAPES)
International Confederation of Arab Trade Unions
International Confederation of Temporary Work Businesses
International Council of Jewish Women
International Entertainment Alliance
International Federation of Building and Wood Workers
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Journalists
International Metalworkers' Federation
Latin American Central of Workers
Latin American Union of Municipal Workers

Permanent Congress of Trade Union Unity of Latin American Workers
Postal, Telegraph and Telephone International
World Asian Workers' Organization (WAWO)
World Association of Public Employment Services
World Movement of Christian Workers

Committee on Job Creation in Small and Medium-Sized Enterprises

African Federation of Miners, Energy, Chemical and Allied Trade Unions
Arab Workers Federation for Petrol, Mines, Chemicals, Minerals and Simili
Brotherhood of Asian Trade Unionists
Commonwealth Trade Union Council
Democratic Organization of African Workers' Trade Unions
European Centre for Workers' Questions
European Confederation of Independent Trade Unions
Friends World Committee for Consultation
General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries
Hassan Fathy Institute for Construction Workers
International Abolitionist Federation
International Alliance of Women
International Association of Universities of the Third Age
International Confederation of Arab Trade Unions
International Confederation of Executive Staff
International Council of Jewish Women
International Council of Women
International Entertainment Alliance
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Journalists
International Federation of Transport Executives
International Federation of University Women
International Metalworkers' Federation
International Textile, Garment and Leather Workers' Federation
Latin American Central of Workers
Latin American Union of Municipal Workers
North-South XXI
Pax Christi International
Permanent Congress of Trade Union Unity of Latin American Workers
Postal, Telegraph and Telephone International
Soroptimist International
Southern African Trade Union Co-ordination Council
Trade Union Advisory Committee to the OECD
Trade Unions International of Workers in Energy
World Asian Workers' Organization (WAWO)
World Federation of Agriculture, Food, Hotel and Allied Workers
World Movement of Christian Workers
World Union of Catholic Women's Organizations

World Young Women's Christian Associations
Zonta International

Committee on Contract Labour

African Federation of Miners, Energy, Chemical and Allied Trade Unions
Anti-Slavery International
Arab Workers Federation for Petrol, Mines, Chemicals, Minerals and Simili
Brotherhood of Asian Trade Unionists
Commonwealth Trade Union Council
Democratic Organization of African Workers' Trade Unions
Education International
European Trade Union Confederation
Friends World Committee for Consultation
General Confederation of Trade Unions
General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries
Interamerican Partnership for Environmental Education and Training
International Abolitionist Federation
International Alliance of Women
International Confederation of Arab Trade Unions
International Confederation of Executive Staff
International Confederation of Temporary Work Businesses
International Council of Jewish Women
International Energy and Mines' Organization
International Federation of Building and Wood Workers
International Federation of Chemical, Energy, Mine and General Workers' Unions
International Federation of Commercial, Clerical, Professional and Technical Employees
International Federation of Journalists
International Federation of Transport Executives
International Federation of University Women
International Federation of Workers Education Associations
International Head College of Experts (HCIE)
International Metalworkers' Federation
International Textile, Garment and Leather Workers' Federation
International Transport Workers' Federation
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
International Young Christian Workers
Latin American Central of Workers
Latin American Union of Municipal Workers
North-South XXI
Postal, Telegraph and Telephone International
Public Services International
World Asian Workers' Organization (WAWO)
World Union of Catholic Women's Organizations
World Young Women's Christian Associations.

8. Composition of the Credentials Committee

The Selection Committee proposes to the Conference that the three members of the Credentials Committee should be the following:

Government member:	Mr. M. Salmenpera (Finland)
Employers' Vice-Chairperson:	Mr. Funes de Rioja (Argentina)
Workers' Vice-Chairperson:	Mr. Gray (United States).

9. Appointment of the Conference Drafting Committee

The Selection Committee recommends that, in accordance with the provisions of article 6, paragraph 1 of the Standing Orders, the Conference Drafting Committee should be composed as follows:

The President of the Conference
The Secretary-General of the Conference
The Legal Adviser of the Conference
The Director of the International Labour Standards Department
The Deputy Legal Adviser of the Conference.

10. Delegation of authority to the Officers of the Selection Committee

At its first sitting, the Conference had before it a proposal by its Officers to suspend the Standing Orders of the Conference so as to delegate to the Selection Committee the authority to approve non-controversial changes in the composition of committees and to approve non-controversial requests for representation in Conference committees submitted by non-governmental international organizations; and also to authorize the Selection Committee to delegate such authority to its Officers.

Subject to the adoption by the Conference of this recommendation at its second sitting, the Selection Committee has delegated to its Officers the following functions:

(a) the approval of non-controversial changes in the composition of committees (Standing Orders, article 9(a));

(b) the approval of non-controversial requests for representation in Conference committees submitted by non-governmental international organizations (article 56, paragraph 9).

In accordance with the usual practice, the Selection Committee has also delegated to its Officers the authority to arrange the programme of the Conference and fix the time and agenda for plenary sittings (Standing Orders, article 4, paragraph 2).

The effect of this delegation of authority will be that the Selection Committee will only be called on to meet during the present session of the Conference if other substantive matters requiring a decision arise. Any such meeting will be announced in the *Daily Bulletin*.

11. Composition of committees

The full lists of the composition of committees are attached in Appendix III.

Signed,

R. Sarmiento
Chairperson

Geneva, 3 June 1997.

Appendix I

Description of the electronic voting system

The electronic system provides for votes (in most cases: yes, no, abstention) to be expressed by means of a keyboard on a "voting station" that will be made available to all delegates or persons empowered to vote on their behalf.

Where the electronic system is used, the subject and question to be voted on will be displayed, as well as the nature of the vote (show of hands, record vote or secret ballot) and the President or Chairperson will announce the beginning of the vote. After the President or Chairperson has made sure that all delegates have been given sufficient opportunity to record their vote in one of the voting stations available to them, the President or Chairperson will announce the closure of the vote.

Where the method of vote is by show of hands, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required.

Where a record vote is taken, once all votes have been registered the final voting figures will be immediately displayed with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. These indications will subsequently be published together with a list of the delegates who have voted, showing how they have voted.

In the case of a secret ballot, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. There will be absolutely no access possible to individual votes nor any record of how the delegates have voted.

It is important that, as at present, delegates should have previously decided whether they or another member of their delegation will exercise their right to vote in a given case. Where more than one vote is nevertheless cast on behalf of a delegate at two different moments or from two different places, only the first vote will be recognized, whether made by a delegate, by a substitute delegate or by an adviser who has received a specific written authorization to that end. Such specific authorizations must reach the secretariat sufficiently before the opening of voting is announced so as to be duly recorded.

Appendix II

85th Session (June 1997) of the International Labour Conference - Plan of work

	M 2	T 3	W 4	Th 5	F 6	S 7	M 9	T 10	W 11	Th 12	F 13	S 14	M 16	T 17	W 18	Th 19	F 20
ILC group meetings	█	▐															
ILC plenary sittings		▌ ▐*						█	█	1█	2█	☐	█	█	█	█	
Finance Committee				█	█		█	█		A				Pl	V		
Application of Standards		▐	█	█	█	█	█	█	█	█	█	█		A		Pl	
Committee on Convention No. 96 *(single discussion)*			█	█	█	█	█	█	█	█	█	DC	A		Pl	V	
Committee on Job Creation *(first discussion)*			█	█	█	█	█	█	█	█	▌ DC		A		Pl		
Committee on Contract Labour *(first discussion)*			█	█	█	█	█	█	█	█	█	DC	A			Pl	
Constitutional Amendment and Standing Orders Committee			█	█	█		A	DC	A					Pl	PV	FV	
Governing Body		GMA															█

*	Preliminary discussion on the Programme and Budget for 1998-99
DC	Drafting Committee
A	Adoption by the Committee of its report
Pl	Adoption of the report by the Conference in plenary sitting
V	Record vote in plenary sitting of the Conference
PV	Preliminary vote on the amendment to the Constitution
FV	Final vote on the amendment to the Constitution
1	Visit of Mr. Wolfensohn, President of the World Bank
2	Visit of H.M. King Hussein of Jordan
█	Sittings all day as required
▌	Morning sitting
▐	Afternoon sitting
☐	Sittings all day if necessary
GMA	Government members of the Programme, Financial and Administrative Committee

Appendix III

Composition des commissions
Composition of committees
Composición de las comisiones

(Note: Names of countries are given in French; los nombres de los paises figuran en frances.)

COMMISSION DE L'APPLICATION DES NORMES
COMMITTEE ON THE APPLICATION OF STANDARDS
COMISIÓN DE APLICACIÓN DE NORMAS

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE
ALGERIE
ALLEMAGNE
ARABIE SAOUDITE
ARGENTINE
AUTRICHE
BAHREIN
BANGLADESH
BARBADE
BELARUS
BELGIQUE
BENIN
BRESIL
BURKINA FASO
CAMBODGE
CAMEROUN
CANADA
CAP-VERT
CHILI
CHINE
CHYPRE
COLOMBIE
REPUBLIQUE DE COREE
COTE D'IVOIRE
CROATIE
CUBA
DANEMARK
REP. DOMINICAINE
EGYPTE
EMIRATS ARABES UNIS
EQUATEUR
ESPAGNE
ESTONIE
ETATS-UNIS
ETHIOPIE
FIDJI
FINLANDE
FRANCE
GABON
GAMBIE
GEORGIE
GHANA
GRECE
GUINEE
GUINEE-BISSAU
GUINEE EQUATORIALE
HAITI
HONDURAS
HONGRIE
INDE
INDONESIE
REP. ISLAMIQUE D'IRAN
IRLANDE
ISLANDE
ITALIE
JAMAIQUE
JAPON
KENYA
KOWEIT
LESOTHO
LIBAN
JAMAHIRIYA ARABE LIBYENNE
LITUANIE
LUXEMBOURG
MALAISIE
MALAWI
MAROC
MAURITANIE
MYANMAR
NAMIBIE
NICARAGUA
NIGER
NIGERIA
NORVEGE
NOUVELLE-ZELANDE
OMAN
OUGANDA
PAKISTAN
PANAMA
PAPOUASIE-NOUVELLE-GUINEE
PAYS-BAS
PEROU
PHILIPPINES
POLOGNE
PORTUGAL
QATAR
ROUMANIE
ROYAUME-UNI
FEDERATION DE RUSSIE
SLOVAQUIE
SRI LANKA
SUEDE
SUISSE
SWAZILAND
REP. ARABE SYRIENNE
REP.-UNIE DE TANZANIE
REPUBLIQUE TCHEQUE
TRINITE-ET-TOBAGO
TUNISIE
TURQUIE
UKRAINE
URUGUAY
VENEZUELA
ZAMBIE
ZIMBABWE

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

AUSTRALIE
BOTSWANA
BULGARIE
CONGO
IRAQ
JORDANIE
MEXIQUE
MONGOLIE
MOZAMBIQUE
NEPAL
SAINT-MARIN
SENEGAL
SLOVENIE
THAILANDE
TOGO

Membres employeurs - Employers' members - Miembros empleadores

- **Mr. AL HAROON (Koweït)**
  - S: Mr. AL-JASIM
- **Mr. ARTIN (Suède)**
  - S: Ms. LAURENT
  - S: Ms. WALLSTÉN
- **Mr. ATASAYAR (Turquie)**
  - S: Mr. CENTEL
- **Mr. BOTHA (Afrique du Sud)**
  - S: Mr. VAN NIEKERK
  - S: Mr. LAMPRECHT
- **M. CERESCU (République de Moldova)**
  - S: M. AXENTI
- **Sr. DE ARBELOA (Venezuela)**
  - S: Sr. GARRIDO SOTO
- **Sr. FERRER DUFOL (Espagne)**
  - S: Sra. ADRADOS GAUTIER
  - S: Sr. GOMEZ ALBO
- **Sr. GONZÁLEZ VARGAS (Costa Rica)**
- **Mr. HADISUWITO (Indonésie)**
  - S: Mr. RACHMAN
  - S: Mr. HOERIP
  - S: Mr. HAKIM
- **Mr. HILL (Namibie)**
  - S: Mr. SHIKANGALAH
- **Mr. HLOPHE (Swaziland)**
  - S: Mr. SHONGWE
- **Mr. HOFF (Norvège)**
  - S: Mr. KAADA
- **Mr. IMOISILI (Nigéria)**
  - S: Mr. KYARI
- **Mr. JAHNÁTEK (Slovaquie)**
  - S: Mr. KATRIAK
- **Mr. KOHLI (Inde)**
  - S: Mr. GARG
- **Mr. KOLMOGOROV (Fédération de Russie)**
  - S: Mr. VORONOV
  - S: Mrs. GOUSEVA
- **Mr. KUNANANTAKUL (Thaïlande)**
  - S: Mr. BHAKDIBADHANABANIJ
- **Sr. LIZANA GREVE (Chili)**
  - S: Sr. ARTHUR ERRAZURIZ
- **Sr. MARTINEZ (Honduras)**
- **M. MEGATELI (Algérie)**
  - S: M. AIT AHCENE
  - S: M. LOUNIS KHODJA
- **Mr. MEKKI (Egypte)**
  - S: Mr. SHOEIB
- **Mr. MUSANA (Zambie)**
  - S: Mr. MWANZA
- **Mr. NAHAIS (Jamahiriya arabe libyenne)**
  - S: Mr. KWAIRY
- **Mr. NAJAFI-MANESH (République islamique d'Ira**
- **M. OECHSLIN (France)**
  - S: M. BOUSSAT
  - S: Mme BENHAMOU
  - S: Mme ROILAND
- **Mr. POTTER (Etats-Unis)**
  - S: Mr. RITCHOTTE
  - S: Mr. RICH
  - S: Mr. SULLIVAN
- **Sr. PRETI JORQUIN (Guatemala)**
  - S: Sr. ARDON QUIÑONEZ
- **Mme SASSO MAZZUFFERI (Italie)**
  - S: M. FONTANA GIUSTI
  - S: M. FERRARA
  - S: M. GUEISSAZ
  - S: M. LAURENTI
  - S: M. PAOLIN
- **Sr. SEBASTIANI (Argentine)**
  - S: Sr. FUNES DE RIOJA
  - S: Sr. SPAGHI
  - S: Sr. MELIAN
- **M. SULEIMAN (République arabe syrienne)**
  - S: M. MALAKANI
  - S: M. AL-HENDI
- **Mr. TATEISHI (Japon)**
  - S: Mr. SUZUKI
  - S: Mr. KASAKAWA
- **Mr. THÜSING (Allemagne)**
  - S: Mr. WISSKIRCHEN
- **Mr. VARELA (Philippines)**
  - S: Sra. FERREIRA
  - S: Mr. TAN
  - S: Mr. PERIQUET
- **Mr. ZAJAC (Pologne)**
  - S: Mr. NOWAK
  - S: Ms. LEWANDOWSKA

S = suppléant; substitute; suplente

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. ABOU ABDELLAH (Maroc)
S: M. EL HARRAS
M. AKA ANGHUI (Côte d'Ivoire)
Mr. ANALYTIS (Grèce)
S: Mr. HARAKAS
S: Mrs. TSOUMANI-SPENTZA
S: Mrs. KOUTSIVITOU
S: Mr. SKIADAS
S: Mr. PAPAIOANNOU
S: Mr. VAGIAS
M. BARDE (Suisse)
S: M. PLASSARD
Sr. CAMACHO PARADA (Bolivie)
S: Sr. ESPAÑA SMITH
Sr. CARVAJAL BUSTAMANTE (Mexique)
S: Sr. CAMPUZANO
S: Sr. BUCHANAN ESPINOZA
M. CHELARIU (Roumanie)
S: M. STROESCU
Mr. CHO (République de Corée)
S: Mr. KIM
Mr. D'ARAUJO MARTINS (Brésil)
S: Mr. DE OLIVEIRA RODRIGUES
S: Mrs. RONDON LINHARES
Mr. DASANAYAKE (Sri Lanka)
M. DJILANI (Tunisie)
S: M. GHARIANI
Ms. FRANCE (Royaume-Uni)
Sr. GONZALEZ RODRÍGUEZ (Cuba)
Mr. HUNTJENS (Pays-Bas)
S: Mr. VAN DEN BRAAK
M. ILBOUDO (Burkina Faso)
S: M. KABORE
M. JUNG (Luxembourg)
Mr. LAWSON (Canada)
S: Mr. FINLAY
Mr. MAENDA (République-Unie de Tanzanie)
S: Mr. DAVID
Mme MANGIANTI (Saint-Marin)
S: M. MORRI
S: Mme MENICUCCI
Mr. MARSHALL (Nouvelle-Zélande)
S: Ms. KNOWLES
Mr. OWUOR (Kenya)
S: Mr. BII
Mr. PAVLOV (Bulgarie)
S: Mr. SIMEONOV
M. PEREIRA MONTOYA (Portugal)
S: M. CORREIA CUSTÓDIO
S: M. PEREIRA FERNANDES
Mr. POTOCNIK (Slovénie)
S: Mrs. PIRKMAIER
Mr. RISKI (Finlande)
Mr. ROACH (Barbade)
Mr. ROBERTS (Fidji)
S: Mr. RAJU
Mr. RONNEST (Danemark)
S: Mr. AAGAARD
S: Mr. BANG
S: Ms. SKANTING
Sr. SADHALA D. (République dominicaine)
S: Sr. CASTILLO
Ms. STEFÁNSDÓTTIR (Islande)
S: Mr. MAGNÚSSEN
Mr. SZIRMAI (Hongrie)
S: Mr. FILIPSZ
Mr. TABANI (Pakistan)
M. VAN HOLM (Belgique)
S: M. STORM
S: M. DA COSTA
Sr. VILLEGAS ECHEVERRI (Colombie)
S: Sr. FAJARDO LIEVANO
S: Sr. ECEAVARRIA SALDARRIAGA
Mrs. ZARINAH (Malaisie)
S: Mr. SHAMSUDDIN
Sr. ZAVALA-COSTA (Pérou)
S: Sr. BARRENECHEA-CALDERO

S = suppléant; substitute; suplente

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ABDULRAHMAN MOHAMMED (Bahreïn)
Mr. AHMED (Pakistan)
Mr. AL -HAROON (Koweït)
M. BECCARI (Saint-Marin)
Sr. BERNAL CAMEJO (Cuba)
Sr. BUNNEY TUNACCA (Chili)
Sr. CHÁVEZ CHÁVEZ (Equateur)
Mme CISSE (Burkina Faso)
Mr. DASSIS (Grèce)
Mr. EDSTRÖM (Suède)
Mr. EL-AZALY (Egypte)
Mr. FISHMAN (Etats-Unis)
M. GHODHBANI (Tunisie)
Sr. GONZALEZ ZAMORA (Espagne)
Mr. HARALDSSON (Islande)
M. IBRAHIMA (Bénin)
Mr. KACHIMA (République-Unie de Tanzanie)
Mr. KIM (République de Corée)
Mr. MALLON (Canada)
M. MAYAKI (Niger)
Sr. MENDEZ DIAZ (Guatemala)
Mr. MOHAMAD (Malaisie)
Mr. NAKAJIMA (Japon)
Mr. PANDHE (Inde)
M. PE (France)
Mr. PODOLINSKY (Bélarus)
Mr. RUSANEN (Finlande)
Mr. SHMAKOV (Fédération de Russie)
M. SIDI SAID (Algérie)
Mr. SITHOLE (Swaziland)
Mr. SUKHBAATAR (Mongolie)
Mrs. THEODORSEN (Norvège)
M. TOURE (Guinée)
Sr. VENTURINI (Argentine)
Mr. VORMAWOR (Ghana)
Mr. WOZNIEWSKI (Pologne)
Mme ZGHIBARTA (République de Moldova)

Mr. ADAMY (Allemagne)
Mr. AHSAN ULLAH (Bangladesh)
M. ATINTOH (Togo)
Sr. BENTANCOR (Uruguay)
Sr. BROWN YOUNG (Costa Rica)
M. CARVALHO (Portugal)
Mr. CHIRWA (Zambie)
Mr. CRIVELLI (Brésil)
M. EBAGNERIN (Côte d'Ivoire)
M. EL MOKHAREK (Maroc)
Mr. ETTY (Pays-Bas)
Mr. FOLDBERG (Danemark)
Sr. GIL (Venezuela)
Mrs. HALIMAH BTE (Singapour)
Ms. HILLON (Royaume-Uni)
M. ISSA (République arabe syrienne)
Mr. KHORAISAT (Jordanie)
M. MAGNANI (Italie)
Sr. MARTINEZ SAAVEDRA (Nicaragua)
M. MBAYE (Sénégal)
Mr. MERAL (Turquie)
M. MOMBO MOUELE (Gabon)
Mr. OSMAN (Jamahiriya arabe libyenne)
Mr. PATOMBONG (Indonésie)
M. PEIRENS (Belgique)
M. POPESCU (Roumanie)
Mr. SALIMIAN (République islamique d'Iran)
Mr. SIBANDA (Zimbabwe)
Mr. SIFINGO (Afrique du Sud)
M. STOYAN (Ukraine)
Mr. TAMPOE (Sri Lanka)
M. TORCHE (Suisse)
M. TRAUSCH (Luxembourg)
Sr. VILLAFRANCA (Honduras)
Mr. WILSON (Nouvelle-Zélande)
Mrs. XIA (Chine)

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Mrs. AASNES (Norvège)
Mr. ADIYA (Mongolie)
Ms. AHOKAS-KELOTIE (Finlande)
Mr. AL-ABDOULY (Emirats arabes unis)
M. AL-LOUZY (République arabe syrienne)
Mr. AL-MASHMOOM (Koweït)
Mrs. ANCICOVÁ (Slovaquie)
M. ASSIMA (Togo)
M. BENATIA (Algérie)
Ms. BENDIXEN (Danemark)
Mr. BERAN (République tchèque)
Sr. BONMATI (Espagne)
Mr. BOONRAT (Thaïlande)
M. BOUBACRINE (Niger)
Mr. BOUDKO (Fédération de Russie)
Mr. BRETT (Royaume-Uni)
Mr. BRUNO (République-Unie de Tanzanie)
Mr. BULGAK (Bélarus)
Mrs. BUVERUD PEDERSEN (Norvège)
M. CEDRONE (Italie)
M. CHAHIR (Maroc)
M. CHILOV (Ukraine)
M. CHROENG (Cambodge)
M. DALEIDEN (Luxembourg)
Mr. DAULAT (Indonésie)
M. DE OLIVEIRA (Portugal)
M. DELARUE (Belgique)
M. DIOP (Sénégal)
Sr. DUTÁN ERRAEZ (Equateur)
Mr. EZLEITNI (Jamahiriya arabe libyenne)
Sr. FAJARDO ABRIL (Colombie)
M. FELICI (Saint-Marin)
Ms. FENTON (Nouvelle-Zélande)
Mrs. FOSS (Norvège)
Mr. GACEK (Etats-Unis)
M. GOURMELON (France)
Mr. GUNNARSSON (Islande)
Mr. GYÖRGY (Hongrie)
Mr. HANSEN (Norvège)
Mr. HANSTEEN (Norvège)
Sr. HERNANDEZ LIMA (Guatemala)
Mr. HONEK (République tchèque)
Mrs. IVANOVA (Bulgarie)
Mr. KOC (Turquie)
Ms. LI (Chine)
Mr. LÖRCHER (Allemagne)
Mr. MANJAZE (Mozambique)
M. MARA (Guinée)
Mr. MASSÉ (Canada)
Mr. MBONINI (Botswana)
Mme MEIER (Suisse)
Mr. MHANGO (Malawi)
Mr. MIRANDA DE OLIVEIRA (Brésil)
Sr. MONTERO VEGA (Costa Rica)
Sr. NAVARRO (Venezuela)
Mr. NCONGWANE (Swaziland)
M. NDIAYE DIADJI (Sénégal)
Ms. OOSTVEEN (Pays-Bas)
Sr. PARRA GAONA (Paraguay)
Mr. POPELLO (Fédération de Russie)
M. RETUREAU (France)
Sra. RIAL (Argentine)
Mr. SHARMA (Inde)
Mr. STEYNE (Royaume-Uni)
Mr. STOLIDIS (Grèce)
Mr. SUBASINGHE (Sri Lanka)
Mr. TAHA (Egypte)
M. TODJINOU (Bénin)
Sr. TOMADA (Argentine)
M. TRABELSI (Tunisie)
Sr. VASQUEZ ORDENES (Chili)
Mr. VORAPEBOONPONG (Thaïlande)
Mr. WATANABE (Japon)
Mr. YOSHIDA (Japon)
Mr. ZAINAL (Malaisie)
Sr. ZAPIRAIN (Uruguay)

Ms. ZETTERVALL-THAPPER (Suède)

S = suppléant; substitute; suplente

COMMISSION DE LA REVISION DE LA CONVENTION No. 96
COMMITTEE ON THE REVISION OF CONVENTION No. 96
COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE
ALGERIE
ALLEMAGNE
ARABIE SAOUDITE
ARGENTINE
AUSTRALIE
AUTRICHE
BAHREIN
BANGLADESH
BELGIQUE
BENIN
BOTSWANA
BRESIL
BURKINA FASO
CAMEROUN
CANADA
CHILI
CHINE
CHYPRE
COLOMBIE
REPUBLIQUE DE COREE
COTE D'IVOIRE
CUBA
DANEMARK
REP. DOMINICAINE
EGYPTE
EMIRATS ARABES UNIS
EQUATEUR
ESPAGNE
ETATS-UNIS
ETHIOPIE
FINLANDE
FRANCE
GABON
GAMBIE
GRECE
GUINEE
HONGRIE
INDE
INDONESIE
REP. ISLAMIQUE D'IRAN
IRLANDE
ITALIE
JAPON
JORDANIE
KENYA
KOWEIT
LIBAN
JAMAHIRIYA ARABE LIBYENNE
LUXEMBOURG
MALAISIE
MALAWI
MALI
MAROC
MAURICE
MEXIQUE
MOZAMBIQUE
NAMIBIE
NIGER
NIGERIA
NORVEGE
OMAN
OUGANDA
PAKISTAN
PANAMA
PAPOUASIE-NOUVELLE-GUINEE
PAYS-BAS
PEROU
PHILIPPINES
POLOGNE
PORTUGAL
QATAR
ROUMANIE
ROYAUME-UNI
FEDERATION DE RUSSIE
SEYCHELLES
SLOVAQUIE
SLOVENIE
SRI LANKA
SUEDE
SUISSE
REP. ARABE SYRIENNE
REPUBLIQUE TCHEQUE
THAILANDE
TUNISIE
TURQUIE
VENEZUELA
ZIMBABWE

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

CONGO
CROATIE
GHANA
IRAQ
LESOTHO
LITUANIE
MAURITANIE
MYANMAR
SENEGAL
REP.-UNIE DE TANZANIE
URUGUAY
ZAMBIE

Membres employeurs - Employers' members - Miembros empleadores

- **M. ABOUGHE OBAME (Gabon)**
  - S: M. AKOULOU-EYELEKO
- **Mr. ANALYTIS (Grèce)**
  - S: Mrs. KOUTSIVITOU
  - S: Mr. PAPAIOANNOU
  - S: Mr. HARAKAS
- **Mr. ARBESSER-RASTBURG (Autriche)**
  - S: Mr. BRAUNER
  - S: Mr. STRIMITZER
- **Mr. ARTIN (Suède)**
  - S: Ms. REGNELL
  - S: Mr. BRORSSON
- **M. BARDE (Suisse)**
  - S: M. STAUB
  - S: M. LANGHART
- **Mr. BOTHA (Afrique du Sud)**
  - S: Mr. BEZUIDENHOUT
  - S: Ms. DOWIE
- **Sr. CARVAJAL BUSTAMANTE (Mexique)**
  - S: Sr. MENDOZA DELGADO
- **M. CHELARIU (Roumanie)**
  - S: M. BELIOVSKI
- **Sr. DE ARBELOA (Venezuela)**
  - S: Sr. GUEVARA
- **Sr. FERRER DUFOL (Espagne)**
  - S: Sr. RODRIGUEZ CASTAÕN
  - S: Sr. HUNT ORTIZ
- **Ms. FRANCE (Royaume-Uni)**
  - S: Mr. ALLEN
- **Mr. HABAIBEH (Jordanie)**
  - S: Mr. EL HUSSEINI
  - S: Mr. AL KHATIB
  - S: Ms. ALAM
  - S: Mr. KHURAISAT
- **Mr. HADISUWITO (Indonésie)**
  - S: Mr. RACHMAN
  - S: Mr. RUNTU
  - S: Mr. THAMRIN
- **Mr. HILL (Namibie)**
  - S: Mr. SHIKANGALAH
- **Mr. HOFF (Norvège)**
  - S: Mr. MAGNUSSEN
  - S: Mrs. BARDSEN
- **Mr. HUNTJENS (Pays-Bas)**
  - S: Ms. MUNTZ
  - S: Mr. VAN HAASTEREN
  - S: Mr. VAN DEN BRAAK
  - S: Mr. VAN POPTA
- **Mr. IMOISILI (Nigéria)**
  - S: Mr. OLANIYI
- **Mr. JAHNÁTEK (Slovaquie)**
  - S: Mr. HRDINA
- **Mr. KOHLI (Inde)**
  - S: Mr. HAKEEM
- **Mr. LAWSON (Canada)**
  - S: Mr. TURNER
- **Mr. MUSANA (Zambie)**
  - S: Mr. MWIYA
- **M. OECHSLIN (France)**
  - S: M. BOUSSAT
  - S: M. BEAUVIALA
  - S: Mme MARTIN
- **Mr. PAN (Chine)**
  - S: Mrs. ZHANG
- **M. PEREIRA MONTOYA (Portugal)**
  - S: M. PENA E COSTA
  - S: Mme VIEIRA
- **Mr. POTTER (Etats-Unis)**
  - S: Mr. BILLER
  - S: Mr. RICH
  - S: Mr. RITCHOTTE
  - S: Mr. SEMRAU
- **Mr. PRIOR (République tchèque)**
  - S: Mr. ERNST
- **Mr. RISKI (Finlande)**
  - S: Mr. HUTTUNEN
  - S: Mr. NYYSSOLA
- **Mr. RONNEST (Danemark)**
  - S: Mr. AAGAARD
  - S: Mr. BANG
  - S: Ms. SKANTING
- **Mme SASSO MAZZUFFERI (Italie)**
  - S: M. GUEISSAZ
  - S: M. FERRARA
  - S: M. FONTANA GIUSTI
  - S: M. LAURENTI
  - S: M. PAOLIN
- **Sr. SEBASTIANI (Argentine)**
  - S: Sr. HERMIDA MARTINEZ
  - S: Sr. MANTILLA
  - S: Sra. SALVAT
  - S: Sr. ESPOUEYS
- **Mr. TATEISHI (Japon)**
  - S: Mr. SUZUKI
  - S: Mr. MATSUI
- **Mr. THÜSING (Allemagne)**
  - S: Mr. REICHLING
  - S: Mr. DENKHAUS

S = suppléant; substitute; suplente

M. VAN HOLM (Belgique)
- S: M. MUYLDERMANS
- S: M. D'AOUST

Sr. VARELA (Uruguay)
- S: Mr. PAYOS
- S: Sr. AMEGLIO
- S: Mr. BAGABALDO

Sr. VILLEGAS ECHEVERRI (Colombie)
- S: Sr. PEREZ GARCIA
- S: Sra. MONSALVE CUELLAR
- S: Sra. ERASO BELALCAZAR

Mr. ZAJAC (Pologne)
- S: Mr. JANKOWSKI

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. AKA ANGHUI (Côte d'Ivoire)

Mr. AL HAROON (Koweït)
- S: Mr. AL-OMAR

Mr. ATASAYAR (Turquie)
- S: Mr. ÖZKAN
- S: Mrs. BELEN

M. BEYDOUN (Liban)
- S: M. BALBOUL

Mr. CHO (République de Corée)
- S: Mr. LEE

M. COULIBALY (Mali)
- S: M. TRAORE

Mr. D'ARAUJO MARTINS (Brésil)
- S: Mrs. RONDON LINHARES

Mr. DAMBULENI (Malawi)

M. DJILANI (Tunisie)
- S: M. M'KAISSI

M. GLELE (Bénin)

M. JUNG (Luxembourg)
- S: M. BAUMANN
- S: M. BEFFORT

Mr. KOLMOGOROV (Fédération de Russie)
- S: Mr. VORONOV

Mr. KUNANANTAKUL (Thaïlande)
- S: Mr. THANMA

Mr. MAENDA (République-Unie de Tanzanie)
- S: Mr. DAVID

Mr. MAKEKA (Lesotho)

M. MEGATELI (Algérie)
- S: M. AIT AHCENE
- S: M. OULD HENIA

Mr. PAVLOV (Bulgarie)
- S: Mr. NIKOLOV

Mr. PIERIDES (Chypre)
- S: Mr. PILICOS

Mr. POTOCNIK (Slovénie)
- S: Mrs. PIRKMAIER

Sr. PRETI JORQUIN (Guatemala)
- S: Sr. ARDON QUIÑONEZ
- S: Sr. RICCI MUADI

Sr. SADHALA D. (République dominicaine)

M. SULEIMAN (République arabe syrienne)
- S: M. MALAKANI
- S: M. AL-HENDI

Mr. SULTAN-BEAUDOUIN (Seychelles)

Mr. SZIRMAI (Hongrie)
- S: Mr. KÖRÖSI

S = suppléant; substitute; suplente

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. AL-HUJAILAN (Koweït)

Mme ALMEIDA E SOUSA (Portugal)

M. BEN SEDDIK (Maroc)

Mr. BEZERRA LEITE (Brésil)

Mr. CHARLES (Seychelles)

M. COMPAORE (Burkina Faso)

Mrs. DIMITROVA (Bulgarie)

M. ETE (Côte d'Ivoire)

Mr. FRIEHS (Autriche)

Sr. GIL (Venezuela)

M. GUIRO (Sénégal)

M. HOSSU (Roumanie)

Mrs. JELODAR-ZADEH (République islamique d'Iran)

Mr. JIANG (Chine)

Mr. KIM (République de Corée)

Ms. KURKI (Finlande)

Mr. MAHENDRA (Inde)

M. MOUSSENI (Cameroun)

Mr. NEKRASOV (Fédération de Russie)

Ms. O'DONOVAN (Irlande)

Ms. PASSCHIER (Pays-Bas)

Sr. SAN ROMÁN ARREAGA (Mexique)

Mr. SEVCECH (Slovaquie)

Mr. STEYNE (Royaume-Uni)

Mr. TAHA (Egypte)

Mr. TROTMAN (Barbade)

Sr. ZAPIRAIN (Uruguay)

M. AL-LOUZY (République arabe syrienne)

Mr. BALTA (Turquie)

Ms. BENDIXEN (Danemark)

Sr. BOTACIO (Panama)

Mr. CHRISTOFI (Chypre)

Mr. DERGEL (Suède)

Ms. DUFFETT (Canada)

Mrs. FOSS (Norvège)

Sr. GARCIA DUQUE (Espagne)

Mme GOERGEN (Luxembourg)

Mr. HISAKAWA (Japon)

M. IULIANO (Italie)

M. JENNER (France)

Mr. KATSIOTIS (Grèce)

Mrs. KNAPPER (Allemagne)

Mr. LYNCH (Etats-Unis)

Sr. MILLAN BAEZA (Chili)

Ms. MUKADI (Indonésie)

Mr. NGCUKANA (Afrique du Sud)

Mr. ODUM-EWUAKYE (Ghana)

Mme RINGEISEN ARNOLD (Suisse)

Mr. SANMUGAM (Malaisie)

Mme SKA (Belgique)

Mr. SUBASINGHE (Sri Lanka)

Sr. TOMASONE (Argentine)

Mr. WOJCIK (Pologne)

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Mrs. AASNES (Norvège)
Mr. AHMED (Pakistan)
Mr. AHSAN ULLAH (Bangladesh)
Mr. AL-AZMI (Koweït)
M. AZOUA (Bénin)
Sr. BENTANCOR (Uruguay)
Mr. BERAN (République tchèque)
Mrs. BORUTA (Pologne)
Mr. BRETT (Royaume-Uni)
Mrs. BUVERUD PEDERSEN (Norvège)
Mr. CARLSSON (Suède)
Sr. CASTILLO MIRANDA (Panama)
Mr. CETIN (Turquie)
M. CHAHIR (Maroc)
Mr. COLE (Ghana)
Mr. CZUGLERNÉ IVÁNYI (Hongrie)
Mr. DAVIES (Royaume-Uni)
M. DELIEGE (Belgique)
M. DIOP (Sénégal)
Mr. EZAT (Egypte)
Mrs. GAVRILOVA (Lettonie)
M. GHODHBANI (Tunisie)
M. GUEYE (Sénégal)
Mr. HANSEN (Norvège)
Mr. HANSTEEN (Norvège)
Ms. HART-KULBABA (Canada)
Mr. HASSAN FULAD (Bahreïn)
Mr. IBRAHIM (Brésil)
M. ISSA (République arabe syrienne)
Mr. KARLSEN (Norvège)
Mr. KYPREOS (Grèce)
Mr. LESCAULT (Etats-Unis)
M. MAGNANI (Italie)
Mr. MANJAZE (Mozambique)
Sr. MARCHAN REDONDO (Espagne)
Mr. MHANGO (Malawi)
Mr. MIACHIN (Fédération de Russie)
Ms. MRKWICKA (Irlande)
Mr. NALLE (Indonésie)
Mr. NOUFARITSIS (Grèce)
M. PIZZAFERRI (Luxembourg)
Mr. PURKISS (Royaume-Uni)
Sra. RAMIREZ CAUTIVO (Chili)
Sr. RAMÍREZ LÉON (Venezuela)
M. RAMOS (Portugal)
Mr. RAUB (Autriche)
M. RULIE (France)
Mr. RUSNOK (République tchèque)
Mr. SANDRASEKARA (Sri Lanka)
M. SOMBES (Cameroun)
Ms. STOLWIJK (Pays-Bas)
Mr. SUKARDJA (Indonésie)
Mr. SUKHBAATAR (Mongolie)
Mr. SUTTON (Australie)
Mr. TANAKA (Japon)
Mr. TIAGI (Inde)
Sr. TOMADA (Argentine)
M. TRABELSI (Tunisie)
Ms. VALKONEN (Finlande)
Mr. YOSHIDA (Japon)

(CREEMPL)

COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES
COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES
COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE
AUTRICHE
BANGLADESH
BOTSWANA
CAMBODGE
CAP-VERT
COLOMBIE
CUBA
EGYPTE
ESTONIE
FINLANDE
GAMBIE
GUINEE
HONGRIE
REP. ISLAMIQUE D'IRAN
JAMAIQUE
KOWEIT
JAMAHIRIYA ARABE LIBYENNE
MALAWI
MAURITANIE
NAMIBIE
NORVEGE
OUGANDA
PAPOUASIE-NOUVELLE-GUINEE
PHILIPPINES
ROUMANIE
SENEGAL
SUEDE
TUNISIE
ZAMBIE

ALGERIE
BAHAMAS
BELGIQUE
BRESIL
CAMEROUN
CHINE
REPUBLIQUE DE COREE
DANEMARK
EQUATEUR
ETATS-UNIS
FRANCE
GHANA
GUINEE-BISSAU
INDE
IRLANDE
JAPON
LESOTHO
LUXEMBOURG
MALI
MONGOLIE
NIGER
NOUVELLE-ZELANDE
PAKISTAN
PAYS-BAS
POLOGNE
ROYAUME-UNI
SEYCHELLES
SUISSE
TURQUIE
ZIMBABWE

ARABIE SAOUDITE
BAHREIN
BENIN
BURKINA FASO
CANADA
CHYPRE
COTE D'IVOIRE
REP. DOMINICAINE
ESPAGNE
ETHIOPIE
GABON
GRECE
GUINEE EQUATORIALE
INDONESIE
ITALIE
KENYA
LIBAN
MALAISIE
MALTE
MOZAMBIQUE
NIGERIA
OMAN
PANAMA
PEROU
PORTUGAL
FEDERATION DE RUSSIE
SLOVAQUIE
REP. ARABE SYRIENNE
VENEZUELA

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

ARGENTINE
BELARUS
CONGO
FIDJI
JORDANIE
NICARAGUA
SWAZILAND
THAILANDE

AUSTRALIE
BULGARIE
EMIRATS ARABES UNIS
GUATEMALA
REP.DEM.POP. DU LAO
SLOVENIE
REP.-UNIE DE TANZANIE
URUGUAY

BARBADE
CHILI
ERYTHREE
IRAQ
MAROC
SRI LANKA
REPUBLIQUE TCHEQUE

Membres employeurs - Employers' members - Miembros empleadores

M. AKA ANGHUI (Côte d'Ivoire)
S: M. TRAORE
Mr. AL HAROON (Koweït)
S: Mr. AL-OMAR
Mr. AL-FEIHANI (Qatar)
Mr. ANALYTIS (Grèce)
S: Mr. HARAKAS
S: Mr. SKIADAS
S: Mrs. KOUTSIVITOU
Mr. ARTIN (Suède)
S: Mr. EKENBERG
S: Ms. LAURENT
S: Ms. WALLSTÉN
M. BARDE (Suisse)
S: M. WEISS
M. BEYDOUN (Liban)
S: M. BALBOUL
Mr. BOTHA (Afrique du Sud)
S: Mr. ERNST
S: Mr. TSHALATA
Ms. BURROWES (Belize)
Sr. CARVAJAL BUSTAMANTE (Mexique)
S: Sr. DÍAZ GUAJARDO
M. CHELARIU (Roumanie)
Sr. CORAL ALMEIDA (Equateur)
M. COULIBALY (Mali)
S: M. TRAORE
Mr. DAHLAN (Arabie saoudite)
Mr. DAMBULENI (Malawi)
Sr. DE ARBELOA (Venezuela)
S: Sr. GUEVARA
Mme DIARRA (Guinée)
S: M. DABO
M. DJILANI (Tunisie)
S: M. GHARIANI
S: M. BACHA
Mr. EL RABEEY (Oman)
Sr. FERRER DUFOL (Espagne)
S: Sr. ROLDAN MUÑOZ
S: Sr. BUGALLAL ORTIZ
Ms. FRANCE (Royaume-Uni)
S: Ms. FOERS
M. GLELE (Bénin)
Sr. GONZALEZ RODRÍGUEZ (Cuba)
Mr. HABAIBEH (Jordanie)
S: Mr. EL HUSSEINI
S: Mr. AL KHATIB
S: Ms. ALAM
S: Mr. KHURAISAT
Mr. HADISUWITO (Indonésie)
S: Mr. SIMANJUNTAK
S: Mr. KANTER
S: Mr. SUKARTIN
Mr. HLOPHE (Swaziland)
S: Mr. SHONGWE
Mr. HOFF (Norvège)
S: Mr. AURE
Mr. HUNTJENS (Pays-Bas)
S: Mr. VAN POPTA
S: Mr. VAN DEN BRAAK
S: Mr. VAN HAASTEREN
S: Ms. MUNTZ
Mr. IMOISILI (Nigéria)
S: Mr. OSHINOWO
Mr. JAHNÁTEK (Slovaquie)
S: Mr. FINKA
Mr. JEETUN (Maurice)
Mr. KASWARRA (Ouganda)
Mr. KOHLI (Inde)
S: Mr. ANAND
S: Mr. BIDAWTKA
Mr. KOLMOGOROV (Fédération de Russie)
S: Mr. IOFFE
S: Mr. KASOUMOV
S: Mr. VORONOV
Mr. LAWSON (Canada)
S: Mr. WHYTE
Sr. LIZANA GREVE (Chili)
S: Sr. BERG MONASTERIO
Mr. MAENDA (République-Unie de Tanzanie)
S: Mr. DAVID
Mr. MALLIA MILANES (Malte)
S: Mr. SCICLUNA
Mr. MARSHALL (Nouvelle-Zélande)
S: Ms. KNOWLES
Mr. MATTAR (Emirats arabes unis)
S: Mr. AL-GHAIZI
M. MEGATELI (Algérie)
S: M. YOUSFI
S: M. LOUNIS KHODJA
Mr. MEKKI (Egypte)
S: Mr. BEKHEET
Mr. MINTOO (Bangladesh)
S: Mr. HYDER
Mr. MUSANA (Zambie)
S: Ms. NONDE
M. MYROSHNYCHENKO (Ukraine)
S: M. PONOMAREV
M. N'GUISSAN (Togo)

Mr. NAHAIS (Jamahiriya arabe libyenne)
S: Mr. KWAIRY
M. OECHSLIN (France)
S: M. BOUSSAT
S: M. VEYSSET
S: Mme MARTIN
Mr. OWUOR (Kenya)
S: Mr. BII
Mr. PAN (Chine)
S: Mrs. CHEN
M. PEREIRA MONTOYA (Portugal)
S: M. DA ROCHA NOVO
S: Mme VIEIRA
S: M. FERNANDES SALGUEIRO
Mr. POTTER (Etats-Unis)
S: Mr. KISLING
S: Mr. RICH
S: Mr. SEMRAU
S: Mr. RITCHOTTE
Sr. PRETI JORQUIN (Guatemala)
S: Sr. RICCI MUADI
S: Sr. ARDON QUIÑONEZ
Mr. PRIOR (République tchèque)
S: Mr. SKALA
Mr. RISKI (Finlande)
S: Mr. HUTTUNEN
S: Mr. NYYSSOLA
M. SABO (Niger)
Mme SASSO MAZZUFFERI (Italie)
S: M. PAOLIN
S: M. FERRARA
S: M. FONTANA GIUSTI
S: M. GUEISSAZ
S: M. LAURENTI
Sr. SEBASTIANI (Argentine)
S: Sr. HERMIDA MARTINEZ
S: Sr. FIORE
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M. SULEIMAN (République arabe syrienne)
S: M. MALAKANI
S: M. AL-HENDI
Mr. SULTAN-BEAUDOUIN (Seychelles)
Mr. SZIRMAI (Hongrie)
S: Mr. GARAMSZEGI
S: Mr. KOROMPAY
S: Mr. SZÜCS
Mr. TATEISHI (Japon)
S: Mr. SUZUKI
S: Mr. ENDO
Mr. THÜSING (Allemagne)
S: Mr. PAPENFUSS
M. VAN HOLM (Belgique)
S: M. DEMEESTER
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S: Sr. BARRENECHEA
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S: Mr. SORIANO
Mr. VIESULAS (Lituanie)
Mr. ZAJAC (Pologne)
S: Mr. ZAJKO

S = suppléant; substitute; suplente

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. ABOU ABDELLAH (Maroc)
S: M. EL HARRAS
S: M. BELARBI
M. ABOUGHE OBAME (Gabon)
S: M. TCHOUA
Mr. ATASAYAR (Turquie)
S: Mr. ARSLAN
S: Mr. PIRLER
Sr. CAMACHO PARADA (Bolivie)
S: Sr. ESPAÑA SMITH
Mr. CHO (République de Corée)
S: Mr. YANG
Mr. D'ARAUJO MARTINS (Brésil)
S: Mr. BASSINI
Mr. HILL (Namibie)
S: Mr. SHIKANGALAH
Mr. HILTON-CLARKE (Trinité-et-Tobago)
S: Mr. MAHARAJ
M. ILBOUDO (Burkina Faso)
S: M. KABORE
Mr. IVANCEVIC (Croatie)
Mr. JANTSAN (Mongolie)
S: Ms. TUGSCHIMEG
M. JUNG (Luxembourg)
S: M. SCHMIT
S: M. SAUBER
S: M. GEISEN
Mr. KUNANANTAKUL (Thaïlande)
S: Mr. HORN
Mr. MAKEKA (Lesotho)
Mme MANGIANTI (Saint-Marin)
S: M. UGOLINI
S: Mme DELLA BALDA
Mr. NAJAFI-MANESH (République islamique d'Iran)
S: Mr. HAGHBAYAN
M. OULD MOCTAR EL HASSEN (Mauritanie)
Mr. PAVLOV (Bulgarie)
S: Mr. DETCHEV
S: Mr. SIMEONOV
Mr. PIERIDES (Chypre)
S: Mr. APOSTOLOU
S: Mr. MICHAEL
Mr. POTOCNIK (Slovénie)
S: Mrs. PIRKMAIER
Mr. RANA (Népal)
Ms. REMMEL (Estonie)
Mr. ROACH (Barbade)
Mr. ROBERTS (Fidji)
S: Mr. RAJU
Mr. RONNEST (Danemark)
S: Mr. AAGAARD
S: Mr. BANG
S: Ms. SKANTING
Sr. SADHALA D. (République dominicaine)
S: Sr. HERRERA ROA
M. SANZOUANGO (Cameroun)
Mr. TABANI (Pakistan)
Sr. TALAVERA GOIBURU (Paraguay)
S: Sr. CAMERON GENES
Sr. VILLEGAS ECHEVERRI (Colombie)
S: Sr. TAMAYO MONTOYA
S: Sr. GOMEZ MARTINEZ
Mr. WIN (Myanmar)
Mrs. ZARINAH (Malaisie)

S = suppléant; substitute; suplente

Membres travailleurs - Workers' members - Miembros trabajadores

Mrs. ABD-ELHADY (Egypte)
Mr. ADIYA (Mongolie)
Mr. AGIUS (Malte)
Mr. AL-MAINY (Emirats arabes unis)
Mr. AL-MASHMOOM (Koweït)
Mr. APPIAH AGYEI (Ghana)
M. ASSIMA (Togo)
Mr. ATHUKORALA (Sri Lanka)
Mr. BADBAN (République islamique d'Iran)
M. BAUSCH (Luxembourg)
M. BECHARA (Liban)
M. BOUBACRINE (Niger)
Mr. BULGAK (Bélarus)
Sr. CANOVAS MARTINEZ (Espagne)
Mr. CARLSSON (Suède)
Sr. CASTILLO (Venezuela)
Sr. CASTILLO MIRANDA (Panama)
M. CEDRONE (Italie)
M. CHAHIR (Maroc)
Mr. DAVIS (Belize)
M. DIRIX (Belgique)
Ms. DRIJFHOUT (Pays-Bas)
Mr. EL SHANFRY (Oman)
Mr. EZLEITNI (Jamahiriya arabe libyenne)
Mr. HANSEN (Norvège)
Ms. HART-KULBABA (Canada)
Ms. HEMMER (Finlande)
Mr. IBRAHIM (Brésil)
Mr. IGARASHI (Japon)
Sr. JIMENEZ TORRES (Chili)
Mr. JUMMA (Arabie saoudite)
Mr. KAADU (Estonie)
M. KABBOUL (République arabe syrienne)
M. KABORE (Burkina Faso)
Mr. KALYVIS (Grèce)
Mr. KUREJ (Slovaquie)
Ms. LENOIR (Etats-Unis)
Mr. LEPIK (Pologne)
Mr. LIU (Chine)
Sr. LUZARDO (Equateur)
Mr. MANJAZE (Mozambique)
Mr. MANOLOV (Bulgarie)
M. MARA (Guinée)
M. MAYOMBO (Gabon)
Mr. MBONINI (Botswana)
Mr. MHANGO (Malawi)
Mr. MOHAMMED (Bahreïn)
Mr. MOOKHERJEE (Inde)
Mr. MUHEUA (Namibie)
Mr. NCONGWANE (Swaziland)
Mr. NEUMANN (Hongrie)
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Mr. OSINKIN (Fédération de Russie)
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Mr. PASARIBU (Indonésie)
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M. RADI (Roumanie)
M. RAHMA (Algérie)
M. RAMOS (Portugal)
Sr. RAMOS RODRÍGUEZ (Mexique)
Sra. RIAL (Argentine)
Mr. RUSNOK (République tchèque)
M. SANE (Sénégal)
Ms. TAUKOBONG (Afrique du Sud)
M. TODJINOU (Bénin)
M. TRABELSI (Tunisie)
M. TRAORE (Côte d'Ivoire)
M. VERONESE (France)
Mr. WON (République de Corée)

Best copy available

S = suppléant; substitute; suplente

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Mrs. AASNES (Norvège)
Mr. ABE (Japon)
Mr. ADAMY (Allemagne)
Mr. AHMED (Pakistan)
Mr. AHSAN ULLAH (Bangladesh)
Mr. AKSAM (Indonésie)
M. ATINTOH (Togo)
Mr. BALYENS (Lettonie)
Sr. BENTANCOR (Uruguay)
Mr. BERGMAN (Finlande)
Mr. BEZERRA LEITE (Brésil)
Sr. BOTACIO (Panama)
Mrs. BUVERUD PEDERSEN (Norvège)
M. CAMBUS (France)
M. CARVALHO (Portugal)
Mr. CHIRWA (Zambie)
Mr. CHUTTOO (Maurice)
Mr. DAVIES (Royaume-Uni)
M. DE MÛELENAERE (Belgique)
M. DE OLIVEIRA (Portugal)
Sr. DEL RIO (République dominicaine)
M. DELHOMENIE (France)
Mr. DERGEL (Suède)
M. DIOUF (Sénégal)
Ms. DUFFETT (Canada)
M. EL MOKHAREK (Maroc)
Mr. EL-AZALY (Egypte)
Mr. FOLDBERG (Danemark)
Mrs. FOSS (Norvège)
Sr. FRADES (Espagne)
M. GHODHBANI (Tunisie)
M. GODONOGA (République de Moldova)
Mr. GUVERGIN (Turquie)
Mr. HAIKALI (Namibie)
Mr. HANSTEEN (Norvège)
Ms. HILLON (Royaume-Uni)
M. IULIANO (Italie)
Mr. KARLSEN (Norvège)
Mr. KOLETSIS (Grèce)
Mr. KOLEVENTIS (Grèce)
Ms. KURKI (Finlande)
M. LAWANI (Bénin)
Sra. LOPEZ GROMAZ (Espagne)
Mr. MIKLIC (Slovénie)
Mr. NAILI (Jamahiriya arabe libyenne)
Ms. NAZARKIEWICZ (Pologne)
M. NDIAYE (Sénégal)
Mr. ODUM-EWUAKYE (Ghana)
Mr. OLMANIS (Lettonie)
Mr. PODOLINSKY (Bélarus)
Mr. POPELLO (Fédération de Russie)
M. POPESCU (Roumanie)
Sra. ROZAS VELASQUEZ (Chili)
Sr. SAEZ (Argentine)
Mr. SANMUGAM (Malaisie)
Mr. SHAMS (Qatar)
Mr. STEYNE (Royaume-Uni)
Mr. SUDIDJO (Indonésie)
Mr. SUKHBAATAR (Mongolie)
Mr. TAMPOE (Sri Lanka)
Mr. TÓTH (Hongrie)
Mr. TROTMAN (Barbade)
Ms. VAN DEN BURG (Pays-Bas)
Mr. VENUGOPAL (Inde)
Sr. VILLASMIL (Venezuela)
Mr. WANG (Chine)
Mr. YAMADA (Japon)
Sr. ZAPIRAIN (Uruguay)

(TRAVSOU)

COMMISSION DU TRAVAIL EN SOUS-TRAITANCE
COMMITTEE ON CONTRACT LABOUR
COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE
ALGERIE
ALLEMAGNE
ARABIE SAOUDITE
ARGENTINE
AUSTRALIE
AUTRICHE
BAHREIN
BANGLADESH
BELGIQUE
BELIZE
BENIN
BOTSWANA
BRESIL
CAMEROUN
CANADA
CHILI
CHINE
CHYPRE
COLOMBIE
REPUBLIQUE DE COREE
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REP. DOMINICAINE
EGYPTE
EMIRATS ARABES UNIS
ESPAGNE
ETATS-UNIS
FINLANDE
FRANCE
GABON
GAMBIE
GRECE
GUINEE
HONGRIE
INDE
INDONESIE
REP. ISLAMIQUE D'IRAN
IRLANDE
ITALIE
JAMAIQUE
JAPON
KENYA
KOWEIT
LESOTHO
LIBAN
JAMAHIRIYA ARABE LIBYENNE
LITUANIE
LUXEMBOURG
MALAISIE
MALAWI
MALI
MALTE
MAROC
MAURICE
MEXIQUE
REP. DE MOLDOVA
MONGOLIE
NAMIBIE
NIGERIA
NORVEGE
NOUVELLE-ZELANDE
OMAN
OUGANDA
PAKISTAN
PANAMA
PAPOUASIE-NOUVELLE-GUINEE
PAYS-BAS
PEROU
PHILIPPINES
POLOGNE
PORTUGAL
QATAR
ROUMANIE
ROYAUME-UNI
FEDERATION DE RUSSIE
SEYCHELLES
SLOVAQUIE
SRI LANKA
SUEDE
SUISSE
REP. ARABE SYRIENNE
REP.-UNIE DE TANZANIE
REPUBLIQUE TCHEQUE
THAILANDE
TOGO
TRINITE-ET-TOBAGO
TUNISIE
TURQUIE
URUGUAY
VENEZUELA
ZIMBABWE

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

BELARUS
CONGO
CROATIE
CUBA
ERYTHREE
ETHIOPIE
FIDJI
IRAQ
MAURITANIE
MOZAMBIQUE
NICARAGUA
NIGER
SLOVENIE
SWAZILAND
ZAMBIE

Membres employeurs - Employers' members - Miembros empleadores

- **M. ABOUGHE OBAME (Gabon)**
  - S: M. AKOULOU-EYELEKO
- **Mr. AL HAROON (Koweït)**
  - S: Mr. AL-OMAR
- **Mr. ANALYTIS (Grèce)**
  - S: Mrs. TSOUMANI-SPENTZA
  - S: Mr. VAGIAS
  - S: Mr. HARAKAS
- **Mr. ARBESSER-RASTBURG (Autriche)**
  - S: Mr. BRAUNER
  - S: Mr. STRIMITZER
- **Mr. ARTIN (Suède)**
  - S: Mr. BRORSSON
  - S: Ms. REGNELL
- **Mr. BOTHA (Afrique du Sud)**
  - S: Mr. KLEYNHANS
- **Sr. CARVAJAL BUSTAMANTE (Mexique)**
  - S: Sr. GUTIÉRREZ GARCÍA
- **M. CHELARIU (Roumanie)**
  - S: M. SIMION
- **Mr. D'ARAUJO MARTINS (Brésil)**
  - S: Mr. DONATO
  - S: Mr. PERES DA SILVA
- **Mr. DHLAKAMA (Zimbabwe)**
- **Sr. FERRER DUFOL (Espagne)**
  - S: Sr. SUAREZ GARCIA
- **Ms. FRANCE (Royaume-Uni)**
  - S: Mr. TAYLOR
- **Mr. HABAIBEH (Jordanie)**
  - S: Mr. EL HUSSEINI
  - S: Mr. AL KHATIB
  - S: Ms. ALAM
  - S: Mr. KHURAISAT
- **Mr. HADISUWITO (Indonésie)**
  - S: Mr. BUDIMAN
  - S: Mr. WASISTO
  - S: Mr. YASAR
  - S: Mr. MUDJIONO
- **Mr. HOFF (Norvège)**
  - S: Mrs. BARDSEN
  - S: Mr. MAGNUSSEN
- **Mr. HUNTJENS (Pays-Bas)**
  - S: Mr. VAN DEN BRAAK
  - S: Mr. VAN HAASTEREN
  - S: Ms. MUNTZ
  - S: Mr. VAN POPTA
- **Mr. IMOISILI (Nigéria)**
  - S: Mr. AMAECHI
  - S: Mr. KORGBA
- **Mr. JAHNÁTEK (Slovaquie)**
  - S: Mr. PECIAR
- **Mr. KOHLI (Inde)**
  - S: Mr. NANDA
  - S: Mr. ANAND
- **Mr. KOLMOGOROV (Fédération de Russie)**
  - S: Mrs. GOUSEVA
  - S: Mr. VORONOV
- **Mr. KUNANANTAKUL (Thaïlande)**
  - S: Mr. BHAKDIBADHANABANIJ
- **Mr. LAWSON (Canada)**
  - S: Mr. ALBORINO
  - S: Mr. GOLDIE
  - S: Mrs. MCNICOLL
  - S: Mr. FINLAY
- **Sr. LIZANA GREVE (Chili)**
  - S: Sr. BRUNA VARGAS
- **Mr. MAKEKA (Lesotho)**
- **Mr. MALLIA MILANES (Malte)**
  - S: Mr. SCICLUNA
- **Mr. MARSHALL (Nouvelle-Zélande)**
  - S: Ms. KNOWLES
- **Mr. MATLHAKU (Botswana)**
- **Mr. MATTAR (Emirats arabes unis)**
  - S: Mr. AL-GHAIZI
- **Mr. MEKKI (Egypte)**
- **Mr. MUSANA (Zambie)**
  - S: Mr. NYATHANDO
- **Mr. NANA (Papouasie-Nouvelle Guinée)**
- **Mr. NOAKES (Australie)**
- **M. OECHSLIN (France)**
  - S: M. BOUSSAT
  - S: M. DRAGUE
  - S: Mme ANDRIEU
- **Mr. PAN (Chine)**
  - S: Mr. SUN
- **M. PEREIRA MONTOYA (Portugal)**
  - S: M. FERNANDES SALGUEIRO
  - S: M. DA ROCHA NOVO
  - S: M. CORREIA CUSTÓDIO
  - S: M. PEREIRA FERNANDES
- **Mr. PIERIDES (Chypre)**
  - S: Mr. PETROU
  - S: Mr. KYTHREOTIS
- **Mr. POTTER (Etats-Unis)**
  - S: Mr. VELLA
  - S: Mr. RITCHOTTE
  - S: Mr. RICH
  - S: Mr. SEMRAU

S = suppléant; substitute; suplente

Mr. PRIOR (République tchèque)
- S: Ms. KUBICKOVA

Mr. RISKI (Finlande)
- S: Mr. GRAHN
- S: Mr. HIETALA

Mr. ROACH (Barbade)
Mr. ROBERTS (Jamaïque)
Sr. ROMERO MOLINA (Nicaragua)
Mr. RONNEST (Danemark)
- S: Mr. AAGAARD
- S: Mr. BANG
- S: Ms. SKANTING

Mme SASSO MAZZUFFERI (Italie)
- S: M. LAURENTI
- S: M. FERRARA
- S: M. FONTANA GIUSTI
- S: M. GUEISSAZ
- S: M. PAOLIN

Sr. SEBASTIANI (Argentine)
- S: Sr. FUNES DE RIOJA
- S: Sr. ALDAO ZAPIOLA
- S: Sr. FRABOSCHI
- S: Sr. ESPOUEYS
- S: Sr. EURNEKIAN

M. SULEIMAN (République arabe syrienne)
- S: M. MALAKANI
- S: M. AL-HENDI

Mr. TABANI (Pakistan)
Mr. TATEISHI (Japon)
- S: Mr. SUZUKI
- S: Mr. WAJIMA

Mr. THÜSING (Allemagne)
- S: Mr. STEGE
- S: Mr. HESS

M. VAN HOLM (Belgique)
- S: Mme SEVRAIN
- S: M. DA COSTA
- S: M. MUYLDERMANS

Sr. VARELA (Uruguay)
- S: Mr. SORIANO
- S: Sr. PIVEL
- S: Mr. PAYOS

Sr. VILLEGAS ECHEVERRI (Colombie)
- S: Sra. PACHECO RESTREPO
- S: Sra. ARAGÓN FLÓREZ

Mr. ZAJAC (Pologne)
- S: Mr. IWAN

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. ABOU ABDELLAH (Maroc)
S: M. EL HARRAS
M. AKA ANGHUI (Côte d'Ivoire)
S: M. MONDON
Mr. AL-FEIHANI (Qatar)
Mr. ATASAYAR (Turquie)
S: Mr. DOGAN
M. BARDE (Suisse)
S: M. MEUWLY
S: M. NYDEGGER
S: M. STAUB
S: M. PLASSARD
M. BEYDOUN (Liban)
S: M. BALBOUL
Ms. BURROWES (Belize)
Sr. CAMACHO PARADA (Bolivie)
Mr. CHO (République de Corée)
S: Mr. LEE
M. COULIBALY (Mali)
S: M. TRAORE
Sr. DE ARBELOA (Venezuela)
S: Sr. GARRIDO SOTO
M. DJILANI (Tunisie)
S: M. CHERIF
Mr. DUNNE (Irlande)
S: Mr. MCAULEY
Mr. EL RABEEY (Oman)
Mr. GATTEGNO (Israël)
S: Mr. HILB
Mr. HILL (Namibie)
S: Mr. SHIKANGALAH
Mr. HILTON-CLARKE (Trinité-et-Tobago)
S: Mr. MAHARAJ
M. ILBOUDO (Burkina Faso)
M. JUNG (Luxembourg)
S: M. SCHMIT
S: M. SAUBER
S: M. GEISEN
Mr. KASWARRA (Ouganda)
S: Mr. KASEKENDE
M. MEGATELI (Algérie)
S: M. AIT AHCENE
Mr. NAJAFI-MANESH (République islamique d'Iran)
Mr. PAVLOV (Bulgarie)
S: Mr. DETCHEV
Mr. POTOCNIK (Slovénie)
S: Mrs. PIRKMAIER
Sr. PRETI JORQUIN (Guatemala)
S: Sr. MENENDEZ CASTEJON
S: Sr. ARDON QUIÑONEZ
Mr. RANA (Népal)
Mr. ROBERTS (Fidji)
S: Mr. RAJU
Sr. SADHALA D. (République dominicaine)
S: Sr. CUEVAS
Ms. STEFÁNSDÓTTIR (Islande)
S: Mr. MAGNÚSSEN
Mr. SZIRMAI (Hongrie)
S: Ms. GYARMATINÉ RÁCZ
S: Ms. KOSOVICSNÉ TÁBORI
Mrs. ZARINAH (Malaisie)
S: Mr. ZAIN
Sr. ZAVALA-COSTA (Pérou)
S: Sr. BARRENECHEA-CALDERO

S = suppléant; substitute; suplente

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ABERDEEN (Trinité-et-Tobago)
M. AGUIR (Tunisie)
Ms. AHOKAS-KELOTIE (Finlande)
Mr. AKSAM (Indonésie)
M. ALLINI (Gabon)
Mr. AMINI TAME (République islamique d'Iran)
Sr. ASTORGA OLATE (Chili)
Mrs. ATANASSOVA (Bulgarie)
M. AZOUA (Bénin)
M. BARBIERI (Italie)
M. BENATIA (Algérie)
Mrs. BORUTA (Pologne)
M. CHIRITA (Roumanie)
Mme CRIDAZZI (Suisse)
Mr. CZUGLERNÉ IVÁNYI (Hongrie)
M. DEDIEU (France)
M. DELCROIX (Belgique)
Mr. DELIGIANNAKIS (Grèce)
Sr. ESPONDA ZEBADUA (Mexique)
Mr. EZAT (Egypte)
Sr. FAJARDO ABRIL (Colombie)
Sr. FARLETE (Espagne)
Ms. FENTON (Nouvelle-Zélande)
Mr. GROBLER (Afrique du Sud)
Mr. HAIKALI (Namibie)
Mr. HASSAN FULAD (Bahreïn)
Mr. HONEK (République tchèque)
M. ISSA (Liban)
Mr. KARLSEN (Norvège)
Mr. KLEIN (Autriche)
M. KONZ (Luxembourg)
Ms. KWON (République de Corée)
Mr. LAZAR (Allemagne)
Mme LEARDINI (Saint-Marin)
Mr. LENSKY (Slovaquie)
Mr. LI (Chine)
Ms. LORENTZEN (Danemark)
M. MAHAN (Côte d'Ivoire)
M. MARTINS (Portugal)
Mme MBAYE (Sénégal)
Mr. MC ALISTER (Papouasie-Nouvelle Guinée)
Mr. MIN (Myanmar)
Sr. MONTERO VEGA (Costa Rica)
Ms. MRKWICKA (Irlande)
Mr. NAKAGIRI (Japon)
Mr. NASSIR BIN SALAMAH (Arabie saoudite)
Sr. NAVARRO (Venezuela)
Ms. NIIA (Suède)
Mr. PARROT (Canada)
Mr. POLAT (Turquie)
Mr. PURKISS (Royaume-Uni)
Sr. RANU (Argentine)
Mr. RIMAL (Népal)
Mr. ROY (Maurice)
Mr. SANDRASEKARA (Sri Lanka)
Mr. SHAMS (Qatar)
Mr. SHANKAR (Fidji)
M. SOMBES (Cameroun)
Mr. SONOHARA (Brésil)
Mrs. SOSNINA (Fédération de Russie)
Ms. STOLWIJK (Pays-Bas)
Mr. SUTTON (Australie)
Mr. TIAGI (Inde)
Sr. VELOZ CUEVA (Equateur)
Mr. ZAINAL (Malaisie)
Mr. ZARB (Malte)
Mr. ZELLHOEFER (Etats-Unis)
M. ZONGO (Burkina Faso)

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Mr. YUSOP (Malaisie)
Mrs. AASNES (Norvège)
Mrs. ABD-ELHADY (Egypte)
Mr. ABDULRAHMAN MOHAMMED (Bahreïn)
Mr. AGIUS (Malte)
Mr. AHMED (Pakistan)
Mr. AHSAN ULLAH (Bangladesh)
Mr. AL-ABDOULY (Emirats arabes unis)
Mr. AL-ZAID (Koweït)
Mr. BAGINDO (Indonésie)
Sr. BENTANCOR (Uruguay)
Mr. BOGGS (Etats-Unis)
Mr. BRETT (Royaume-Uni)
Mme BRIGHI (Italie)
Mrs. BUVERUD PEDERSEN (Norvège)
M. CAMARA (Sénégal)
M. CARVALHO (Portugal)
Sr. CHÁVEZ CHÁVEZ (Equateur)
Mr. CHIRWA (Zambie)
Mr. CRIVELLI (Brésil)
M. DANTEC (France)
Mr. DAVIS (Belize)
M. DELARUE (Belgique)
Mr. EL SHANFRY (Oman)
Mr. ERALAN (Turquie)
Sr. ESPINOZA CONCHA (Chili)
Mr. FIAWOTSO (Ghana)
Mrs. FOSS (Norvège)
Mr. GERGELY (Hongrie)
Sr. GIL (Venezuela)
Mr. GUNNARSSON (Islande)
Mrs. HALIMAH BTE (Singapour)
Mr. HALLÉ (Canada)
Mr. HANSEN (Norvège)
Mr. HANSTEEN (Norvège)
Mr. HARALDSSON (Islande)
Mr. IOANNOU (Chypre)
Mr. KAADU (Estonie)
Mrs. KAUFMANN (Allemagne)
M. KHONGPHASIT (République dém. populaire du
Mr. KHUNTIA (Inde)
Mr. KIBBELAAR (Pays-Bas)
Ms. KNEZEVIC (Croatie)
Mr. LAHTEENMAKI (Finlande)
Mr. LALOV (Bulgarie)
Mr. LI (Chine)
Mr. LIAKOPOULOS (Grèce)
M. MACINA (Saint-Marin)
Sr. MALDONADO OLIVARES (Chili)
Mr. MANJAZE (Mozambique)
Sr. MARCHAN REDONDO (Espagne)
Mr. MASSÉ (Canada)
Mr. MHANGO (Malawi)
Sr. MORANTES ALFONSO (Colombie)
Mr. MUHEUA (Namibie)
Mr. NIELSEN (Danemark)
Mr. NUANSRI (Thaïlande)
Mr. NUNOO-QUAYE (Ghana)
Ms. O'DONOVAN (Irlande)
Ms. OOSTVEEN (Pays-Bas)
Mr. PASARIBU (Indonésie)
Ms. PASSCHIER (Pays-Bas)
Mr. PORNPATANANIKOM (Thaïlande)
Mr. RASSCEDIN (Sri Lanka)
Mr. REVAS (Grèce)
Mr. SIDIROV (Fédération de Russie)
Mr. SITHOLE (Swaziland)
M. STAN (Roumanie)
Mr. STEYNE (Royaume-Uni)
Mr. SUBSARN (Thaïlande)
Mr. SUKHBAATAR (Mongolie)
Mr. TAMPOE (Sri Lanka)
Mr. TANAKA (Japon)
M. TOURE (Guinée)
M. TRABELSI (Tunisie)
Sr. VALIÑO (Argentine)

(TRAVSOU)

Ms. VALKONEN (Finlande)

Mr. WILSON (Nouvelle-Zélande)

Sr. ZAPIRAIN (Uruguay)

Mrs. WERNER (Allemagne)

Mr. YOSHIDA (Japon)

Ms. ZETTERVALL-THAPPER (Suède)

(AMENDRE)

COMMISSION DE L'AMENDEMENT CONSTIUTIONNEL ET DU REGLEMENT
CONSTITUTIONAL AMENDMENT AND STANDING ORDERS COMMITTEE
COMISIÓN DE LA ENMIENDA CONSTITUCIONAL Y DEL REGLAMENTO

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE
ALGERIE
ALLEMAGNE
ARABIE SAOUDITE
ARGENTINE
AUTRICHE
BANGLADESH
BELGIQUE
BENIN
BOTSWANA
BRESIL
CAMEROUN
CANADA
CHILI
CHINE
COLOMBIE
REPUBLIQUE DE COREE
COTE D'IVOIRE
CUBA
DANEMARK
REP. DOMINICAINE
EGYPTE
EMIRATS ARABES UNIS
EQUATEUR
ESPAGNE
ETATS-UNIS
FINLANDE
FRANCE
GABON
GAMBIE
GRECE
GUINEE
HONGRIE
INDE
INDONESIE
REP. ISLAMIQUE D'IRAN
IRLANDE
ITALIE
JAMAIQUE
JAPON
KOWEIT
LESOTHO
LIBAN
JAMAHIRIYA ARABE LIBYENNE
LUXEMBOURG
MALAISIE
MALAWI
MALI
MAURITANIE
MEXIQUE
MONGOLIE
NAMIBIE
NIGERIA
NORVEGE
NOUVELLE-ZELANDE
OMAN
PAKISTAN
PANAMA
PAYS-BAS
PEROU
PHILIPPINES
POLOGNE
PORTUGAL
QATAR
ROUMANIE
ROYAUME-UNI
FEDERATION DE RUSSIE
SEYCHELLES
SLOVAQUIE
SUEDE
SUISSE
SWAZILAND
REP. ARABE SYRIENNE
REPUBLIQUE TCHEQUE
TUNISIE
TURQUIE
URUGUAY
VENEZUELA
ZIMBABWE

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

CONGO
CROATIE
GUATEMALA
IRAQ
MAROC
REP. DE MOLDOVA
MOZAMBIQUE
MYANMAR
NICARAGUA
NIGER
OUGANDA
SAINT-MARIN
SLOVENIE
SRI LANKA
REP.-UNIE DE TANZANIE
THAILANDE
ZAMBIE

Membres employeurs - Employers' members - Miembros empleadores

M. CHELARIU (Roumanie)
S: M. GHEORGHIU
Mr. HADISUWITO (Indonésie)
S: Mr. SUKARTIN
Mr. JAHNÁTEK (Slovaquie)
S: Mr. KATRIAK
Sr. LIZANA GREVE (Chili)
S: Sr. ARTHUR ERRAZURIZ
S: Sr. BRUNA VARGAS
Mr. MUSANA (Zambie)
S: Mr. MWANZA
Mr. NAJAFI-MANESH (République islamique d'Iran)
S: Mr. HAGHBAYAN
M. OECHSLIN (France)
S: M. BOUSSAT
Mr. POTTER (Etats-Unis)
S: Mr. SEMRAU
S: Mr. RITCHOTTE
Sr. SEBASTIANI (Argentine)
S: Sr. FUNES DE RIOJA
Mr. TATEISHI (Japon)
S: Mr. SUZUKI
S: Mr. KASAKAWA

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AL HAROON (Koweït)
S: Mr. AL-JASIM
M. BARDE (Suisse)
Mr. BOTHA (Afrique du Sud)
S: Ms. DOWIE
S: Mr. VAN NIEKERK
Mr. HABAIBEH (Jordanie)
S: Mr. EL HUSSEINI
S: Mr. AL KHATIB
S: Ms. ALAM
S: Mr. KHURAISAT
Mr. IMOISILI (Nigéria)
Mr. KOHLI (Inde)
S: Mr. ANAND
S: Mr. AGARWAL
Mr. KUNANANTAKUL (Thaïlande)
S: Mr. BHAKDIBADHANABANIJ
S: Mr. THANMA
Mr. MAENDA (République-Unie de Tanzanie)
S: Mr. DAVID
Mr. MATTAR (Emirats arabes unis)
Mr. PAVLOV (Bulgarie)
S: Mr. SIMEONOV
M. PEREIRA MONTOYA (Portugal)
S: M. FERNANDES SALGUEIRO
S: M. CORREIA CUSTÓDIO
S: M. PEREIRA FERNANDES
Mr. POTOCNIK (Slovénie)
S: Mrs. PIRKMAIER
Sr. SADHALA D. (République dominicaine)
Mme SASSO MAZZUFFERI (Italie)
S: M. FERRARA
S: M. FONTANA GIUSTI
S: M. GUEISSAZ
S: M. LAURENTI
S: M. PAOLIN
M. SULEIMAN (République arabe syrienne)
S: M. MALAKANI
S: M. AL-HENDI
Sr. VILLEGAS ECHEVERRI (Colombie)
S: Sr. ECEAVARRIA SALDARRIAGA

S = suppléant; substitute; suplente

(AMENDRE)

Membres travailleurs - Workers' members - Miembros trabajadores

M. ADIKO (Côte d'Ivoire)
Sr. BALDASSINI (Argentine)
Mr. BRETT (Royaume-Uni)
Mrs. BUVERUD PEDERSEN (Norvège)
Mr. CHIRWA (Zambie)
Mr. COLE (Ghana)
Mr. DENIZER (Turquie)
M. DIALLO (Sénégal)
Mr. ETTY (Pays-Bas)
Mr. GRAY (Etats-Unis)
Mr. KHUNTIA (Inde)
Mr. LÖRCHER (Allemagne)
Sr. MARTINEZ MOLINA (Chili)
M. MERTEN (Luxembourg)
Mr. MIRANDA DE OLIVEIRA (Brésil)
Mr. NAILI (Jamahiriya arabe libyenne)
Mr. SHILOWA (Afrique du Sud)
Mr. TAHA (Egypte)
Ms. ZETTERVALL-THAPPER (Suède)

Mr. AHMED (Pakistan)
Sr. BENTANCOR (Uruguay)
Mme BRIGHI (Italie)
Sr. CASTILLO MIRANDA (Panama)
M. COLCEAG (Roumanie)
M. DELHOMENIE (France)
Mr. DEVENDRA (Sri Lanka)
Sr. DUTÁN ERRAEZ (Equateur)
M. GHODHBANI (Tunisie)
Mr. HELFI (République islamique d'Iran)
Sr. LEZAMA CASTILLO (Nicaragua)
Mr. MALLON (Canada)
Mme MEIER (Suisse)
Mr. MIACHIN (Fédération de Russie)
Sr. MORANTES ALFONSO (Colombie)
Sr. RAMÍREZ LÉON (Venezuela)
Mr. SOEDARWO (Indonésie)
Mr. WAJDA (Pologne)

(AMENDRE)

Membres travailleurs adjoints - Workers' deputy members - Miembreos trabajadores adjuntos

Mrs. AASNES (Norvège)
Mr. AHSAN ULLAH (Bangladesh)
Mrs. ANCICOVÁ (Slovaquie)
M. BEN SEDDIK (Maroc)
Sr. BUSTOS HUERTA (Chili)
Mr. ECKL (Allemagne)
M. GODONOGA (République de Moldova)
Mr. KARLSEN (Norvège)
Mr. LENSKY (Slovaquie)
M. MAGNANI (Italie)
M. MAYAKI (Niger)
M. MOMBO MOUELE (Gabon)
Ms. MUKADI (Indonésie)
Ms. OOSTVEEN (Pays-Bas)
Mr. OSMAN (Jamahiriya arabe libyenne)
Mr. RAIS (Indonésie)
Mrs. THEODORSEN (Norvège)
Mr. VORMAWOR (Ghana)
Sr. ZAPIRAIN (Uruguay)
M. AGUIR (Tunisie)
Mr. AL-MAINY (Emirats arabes unis)
Mr. ATHUKORALA (Sri Lanka)
Sr. BOTACIO (Panama)
Mr. DASSIS (Grèce)
Mrs. FOSS (Norvège)
Mr. HANSEN (Norvège)
M. LAUER (Luxembourg)
Sr. LUZARDO (Equateur)
Mr. MAHENDRA (Inde)
Mr. MOHAMMED (Bahreïn)
M. MOUSSENI (Cameroun)
Mr. NEKRASOV (Fédération de Russie)
Sr. ORTÍZ BRACAMONTE (Venezuela)
Mr. OZONUR (Turquie)
Mr. SONOHARA (Brésil)
Sr. VENTURINI (Argentine)
Mr. WISTISEN (Danemark)

Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 5 June 1997.

Request by a non-governmental international organization to be represented in Conference committees

In accordance with article 56, paragraph 9 of the Conference Standing Orders, the Officers of the Selection Committee have invited the International Union of Business Executives to be represented in the Committee on the Application of Standards, the Committee on the Revision of Convention No. 96, the Committee on Job Creation and the Committee on Contract Labour.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISIÓN DE APLICACIÓN DE NORMAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
BOLIVIE	-	T
COSTA RICA	-	T
EL SALVADOR	-	T
GUATEMALA	-	A
ISRAEL	-	T
SOUDAN	-	T
changer/change/cambiar		
CONGO	A	T

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[1] T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. AL-ROUBAIDI (Yémen)	-	A
Mr. BAKHEIT (Soudan)	-	T
Sr. CASTO FUNES (El Salvador)	-	A
Sr. HORTA PONCE (Chili)	-	Suppléant de Sr. LIZANA GREVE
Mr. OMER (Soudan)	-	Suppléant de Mr. BAKHEIT
Sr. PEDRAZA-AZURIN (Pérou)	-	Suppléant de Sr. ZAVALA-COSTA

changer/change/cambiar

M. AXENTI (République de Moldova)	S	Suppléant de M. CERESCU
M. CERESCU (République de Moldova)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. ABDOON (Soudan)	-	T
Mr. AL-JADARI (Yémen)	-	T
Mr. AL-KAHLANI (Yémen)	-	A
Mr. BADBAN (République islamique d'Iran)	-	A
M. BOUZIA (Maroc)	-	A
Mr. GHANDOUR (Soudan)	-	A
Sr. GOMEZ ESGUERRA (Colombie)	-	T
Mr. GOODLEIGH (Jamaïque)	-	T
Sr. INSFRAN DIETRICH (Paraguay)	-	T
Mr. JOHN (Trinité-et-Tobago)	-	T
Sr. LEZAMA CASTILLO (Nicaragua)	-	A
Sr. LOPEZ (Paraguay)	-	A
Sr. NEGRON TEJADA (République dominicaine)	-	T
Mr. OLIVEROS (Philippines)	-	A
Mr. TAN (Philippines)	-	T
Sr. VALDERRAMA (Colombie)	-	A

COMMITTEE ON THE REVISION OF CONVENTION No. 96

COMMISSION DE LA REVISION DE LA CONVENTION No. 96

COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**

Governments - Gouvernements - Gobiernos

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[1] T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

add/ajouter/añadir

BOLIVIE	-	T
EL SALVADOR	-	T
ISRAEL	-	A
SOUDAN	-	T
YEMEN	-	T

changer/change/cambiar

CONGO	A	T

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. AL-ROUBAIDI (Yémen)	-	A
Mr. BAKHEIT (Soudan)	-	T
Sr. CASTO FUNES (El Salvador)	-	A
Mr. OMER (Soudan)	-	Suppléant de Mr. BAKHEIT
Sr. PEDRAZA-AZURIN (Pérou)	-	Suppléant de Sr. ZAVALA-COSTA
Sr. ZAVALA-COSTA (Pérou)	-	A

changer/change/cambiar

Mr. AL KHATIB (Jordanie)	S	Suppléant de Mr. HABAIBEH
Ms. ALAM (Jordanie)	S	Suppléant de Mr. HABAIBEH
Mr. ANALYTIS (Grèce)	T	A
Mr. ARTIN (Suède)	T	A
M. BELIOVSKI (Roumanie)	S	Suppléant de M. CHELARIU
Mr. BRORSSON (Suède)	S	Suppléant de Mr. ARTIN
Sr. CARVAJAL BUSTAMANTE (Mexique)	T	A
M. CHELARIU (Roumanie)	T	A
Mr. EL HUSSEINI (Jordanie)	S	Suppléant de Mr. HABAIBEH
Mr. HABAIBEH (Jordanie)	T	A
Mr. HADISUWITO (Indonésie)	T	A
Mr. HARAKAS (Grèce)	S	Suppléant de Mr. ANALYTIS
Mr. IMOISILI (Nigéria)	T	A
Mr. JANKOWSKI (Pologne)	S	Suppléant de Mr. ZAJAC
Mr. KHURAISAT (Jordanie)	S	Suppléant de Mr. HABAIBEH
Mrs. KOUTSIVITOU (Grèce)	S	Suppléant de Mr. ANALYTIS
Sr. MENDOZA DELGADO (Mexique)	S	Suppléant de Sr. CARVAJAL BUSTAMANTE
Mr. OLANIYI (Nigéria)	S	Suppléant de Mr. IMOISILI
Mr. PAPAIOANNOU (Grèce)	S	Suppléant de Mr. ANALYTIS
Mr. RACHMAN (Indonésie)	S	Suppléant de Mr. HADISUWITO
Ms. REGNELL (Suède)	S	Suppléant de Mr. ARTIN
Mr. RUNTU (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. THAMRIN (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. ZAJAC (Pologne)	T	A

delete/supprimer/suprimir

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observado

Mr. D'ARAUJO MARTINS (Brésil)	A	
Mrs. RONDON LINHARES (Brésil)	S	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. ABERDEEN (Trinité-et-Tobago)	-	A
Mr. AL-JADARI (Yémen)	-	A
Mr. AL-KAHLANI (Yémen)	-	T
Mr. ALI BASHIR (Soudan)	-	T
Mr. ARANJUEZ (Philippines)	-	T
M. KEBE (Guinée)	-	T
Sr. LEZAMA CASTILLO (Nicaragua)	-	A
Sr. LOPEZ (Paraguay)	-	A
Mr. MAHJOOB (République islamique d'Iran)	-	T
Mrs. MENDOZA (Philippines)	-	A

delete/supprimer/suprimir

Mrs. JELODAR-ZADEH (République islamique d'Iran)	T	

COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES

COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES

COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

BOLIVIE	-	T
EL SALVADOR	-	T
EX-REP.YOUG.DE MACEDOINE	-	A
SOUDAN	-	T

changer/change/cambiar

CONGO	A	T
SUEDE	T	A

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. AL-KUMAIM (Yémen)	-	Suppléant de Mr. AL-ROUBAIDI
Mr. AL-ROUBAIDI (Yémen)	-	T
Sr. ARRATIA ALVARADO (Chili)	-	Suppléant de Sr. LIZANA GREVE

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Mr. BAKHEIT (Soudan)	-	A
Sr. CASTO FUNES (El Salvador)	-	T
Sr. HORTA PONCE (Chili)	-	Suppléant de Sr. LIZANA GREVE
Mr. KRASILNIKOV (Fédération de Russie)	-	Suppléant de Mr. KOLMOGOROV
Mr. OMER (Soudan)	-	Suppléant de Mr. BAKHEIT
Mrs. RONDON LINHARES (Brésil)	-	Suppléant de Mr. D'ARAUJO MARTINS

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. AHMED (Bangladesh)	-	T
Mr. ALI BASHIR (Soudan)	-	A
Sr. ALVIS FERNANDEZ (Colombie)	-	T
Sra. BETELU BAYO (Espagne)	-	A
Mr. GHANDOUR (Soudan)	-	T
Mrs. JELODAR-ZADEH (République islamique d'Iran)	-	T
Sr. LEZAMA CASTILLO (Nicaragua)	-	A
Sr. LOPEZ (Paraguay)	-	T
Mr. MENDOZA (Philippines)	-	T
Mr. MUGALLA (Kenya)	-	T
Mr. VASSILEV (Bulgarie)	-	A

changer/change/cambiar

Mr. AGIUS (Malte)	T	A
Mr. AL-MASHMOOM (Koweït)	T	A
Mr. ATHUKORALA (Sri Lanka)	T	A
Mr. BULGAK (Bélarus)	T	A
Mr. EZLEITNI (Jamahiriya arabe libyenne)	T	A
M. KABBOUL (République arabe syrienne)	T	A
Mr. KUREJ (Slovaquie)	T	A
Mr. NEUMANN (Hongrie)	T	A
Mr. NIELSEN (Danemark)	T	A
Mr. PASARIBU (Indonésie)	T	A
Sra. RIAL (Argentine)	T	A

delete/supprimer/suprimir

Mr. BADBAN (République islamique d'Iran)	T	

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COMMITTEE ON CONTRACT LABOUR

COMMISSION DU TRAVAIL EN SOUS-TRAITANCE

COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
BOLIVIE	-	T
EL SALVADOR	-	T
ISRAEL	-	T
SOUDAN	-	T
YEMEN	-	T
changer/change/cambiar		
CONGO	A	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. AL-KUMAIM (Yémen)	-	Suppléant de Mr. AL-ROUBAIDI
Mr. AL-ROUBAIDI (Yémen)	-	A
Sr. ARRATIA ALVARADO (Chili)	-	Suppléant de Sr. LIZANA GREVE
Mr. BAKHEIT (Soudan)	-	A
Sr. CASTO FUNES (El Salvador)	-	A
Mrs. MANGOUTOVA (Fédération de Russie)	-	Suppléant de Mr. KOLMOGOROV
Mr. OMER (Soudan)	-	Suppléant de Mr. BAKHEIT
changer/change/cambiar		
Mr. AL KHATIB (Jordanie)	S	Suppléant de Mr. HABAIBEH
M. AL-HENDI (République arabe syrienne)	S	Suppléant de M. SULEIMAN
Ms. ALAM (Jordanie)	S	Suppléant de Mr. HABAIBEH
Mr. BHAKDIBADHANABANIJ (Thaïlande)	S	Suppléant de Mr. KUNANANTAKUL
Sr. BRUNA VARGAS (Chili)	S	Suppléant de Sr. LIZANA GREVE
Mr. BUDIMAN (Indonésie)	S	Suppléant de Mr. HADISUWITO
M. CHELARIU (Roumanie)	T	A
Mr. DHLAKAMA (Zimbabwe)	T	A
Mr. EL HUSSEINI (Jordanie)	S	Suppléant de Mr. HABAIBEH
Mr. HABAIBEH (Jordanie)	T	A
Mr. HADISUWITO (Indonésie)	T	A
Mr. IWAN (Pologne)	S	Suppléant de Mr. ZAJAC
Mr. KHURAISAT (Jordanie)	S	Suppléant de Mr. HABAIBEH
Ms. KUBICKOVA (République tchèque)	S	Suppléant de Mr. PRIOR

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Mr. KUNANANTAKUL (Thaïlande)	T	A
Mr. KYTHREOTIS (Chypre)	S	Suppléant de Mr. PIERIDES
Sr. LIZANA GREVE (Chili)	T	A
M. MALAKANI (République arabe syrienne)	S	Suppléant de M. SULEIMAN
Mr. MALLIA MILANES (Malte)	T	A
Mr. MUDJIONO (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. PAYOS (Philippines)	S	Suppléant de Mr. VARELA
Mr. PETROU (Chypre)	S	Suppléant de Mr. PIERIDES
Mr. PIERIDES (Chypre)	T	A
Mr. PRIOR (République tchèque)	T	A
Mr. SCICLUNA (Malte)	S	Suppléant de Mr. MALLIA MILANES
M. SIMION (Roumanie)	S	Suppléant de M. CHELARIU
Mr. SORIANO (Philippines)	S	Suppléant de Mr. VARELA
M. SULEIMAN (République arabe syrienne)	T	A
Mr. VARELA (Philippines)	T	A
Mr. WASISTO (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. YASAR (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. ZAJAC (Pologne)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. ALI (Soudan)	-	T
Ms. ANGCO (Philippines)	-	A
Mr. COLE (Ghana)	-	T
Mr. DEVENDRA (Sri Lanka)	-	A
Mr. FROHLICH (Israël)	-	T
Mr. GARREN (Etats-Unis)	-	T
Sr. LEZAMA CASTILLO (Nicaragua)	-	A
Sr. LOPEZ (Paraguay)	-	A
Sr. MEDINA DUEÑAS (Colombie)	-	A
Mr. MUGALLA (Kenya)	-	A
Mr. NEUMANN (Hongrie)	-	A
Mr. OLIVEROS (Philippines)	-	T
Mr. OLMANIS (Lettonie)	-	A

changer/change/cambiar

Mrs. ATANASSOVA (Bulgarie)	T	A
Mr. DELIGIANNAKIS (Grèce)	T	A

delete/supprimer/suprimir

Mr. ZELLHOEFER (Etats-Unis)	T	

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CONSTITUTIONAL AMENDMENT AND STANDING ORDERS COMMITTEE

COMMISSION DE L'AMENDEMENT CONSTIUTIONNEL ET DU REGLEMENT

COMISIÓN DE LA ENMIENDA CONSTITUCIONAL Y DEL REGLAMENTO

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
BOLIVIE	-	T
EL SALVADOR	-	T
EX-REP.YOUG.DE MACEDOINE	-	A
ISRAEL	-	A
SOUDAN	-	T
changer/change/cambiar		
CONGO	A	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. ARTIN (Suède)	-	A
Mr. BAKHEIT (Soudan)	-	A
Sr. CASTO FUNES (El Salvador)	-	A
Mr. OMER (Soudan)	-	Suppléant de Mr. BAKHEIT
Mr. PERIQUET (Philippines)	-	Suppléant de Mr. VARELA
Mr. TAN (Philippines)	-	Suppléant de Mr. VARELA
Mr. VARELA (Philippines)	-	T
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. ALI (Soudan)	-	A
Sr. LOPEZ (Paraguay)	-	A
Mr. NUNOO-QUAYE (Ghana)	-	T
Mr. SENO (Philippines)	-	T
delete/supprimer/suprimir		
Mr. COLE (Ghana)	T	

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Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 6 June 1997.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISIÓN DE APLICACIÓN DE NORMAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
SAINT-SIEGE	-	O
TCHAD	-	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. AMPIAH (Ghana)	-	T
Mr. OWUSU (Ghana)	-	Suppléant de Mr. AMPIAH
changer/change/cambiar		
Mr. VARELA (Philippines)	T	A
delete/supprimer/suprimir		
Mr. PERIQUET (Philippines)	S	
Mr. TAN (Philippines)	S	
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mrs. BALSIENE (Lituanie)	-	A
Sr. GÓMEZ ZULUAGA (Colombie)	-	A
Mr. JAKOBSEN (Brésil)	-	A
M. KAMDEM (Cameroun)	-	A

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M. SOCK (Sénégal)	-	A
M. SONNY COLE (République centrafricaine)	-	T
Sr. TORO CÁRDENAS (Colombie)	-	A

COMMITTEE ON THE REVISION OF CONVENTION No. 96

COMMISSION DE LA REVISION DE LA CONVENTION No. 96

COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

TCHAD	-	T

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ADU-MANTE (Ghana)	-	Suppléant de Mr. AMPIAH
Mr. AMPIAH (Ghana)	-	T
Mr. D'ARAUJO MARTINS (Brésil)	-	A
M. DIOP (Sénégal)	-	Suppléant de M. WADE
M. WADE (Sénégal)	-	T

changer/change/cambiar

Mr. ANALYTIS (Grèce)	A	T
Mr. ARBESSER-RASTBURG (Autriche)	T	A
Mr. BAKHEIT (Soudan)	T	A
M. BARDE (Suisse)	T	A
Mr. BRAUNER (Autriche)	S	Suppléant de Mr. ARBESSER-RASTBURG
Mr. HARAKAS (Grèce)	S	Suppléant de Mr. ANALYTIS
Mrs. KOUTSIVITOU (Grèce)	S	Suppléant de Mr. ANALYTIS
M. LANGHART (Suisse)	S	Suppléant de M. BARDE
Mr. OMER (Soudan)	S	Suppléant de Mr. BAKHEIT
Mr. PAPAIOANNOU (Grèce)	S	Suppléant de Mr. ANALYTIS
M. STAUB (Suisse)	S	Suppléant de M. BARDE
Mr. STRIMITZER (Autriche)	S	Suppléant de Mr. ARBESSER-RASTBURG

delete/supprimer/suprimir

Mr. BAGABALDO (Philippines)	S	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. BALLE (Danemark)	-	A

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M. MOCANU (Roumanie)	-	A
Sr. MORANTES ALFONSO (Colombie)	-	A

changer/change/cambiar

Mr. AL-HUJAILAN (Koweït)	T	A
M. BEN SEDDIK (Maroc)	T	A
Mrs. DIMITROVA (Bulgarie)	T	A
Sr. GIL (Venezuela)	T	A
Mme GOERGEN (Luxembourg)	T	A
M. GUIRO (Sénégal)	T	A
Mr. NEKRASOV (Fédération de Russie)	T	A
Mr. NGCUKANA (Afrique du Sud)	T	A
Ms. PASSCHIER (Pays-Bas)	T	A
Sr. SAN ROMÁN ARREAGA (Mexique)	T	A
Mr. SUBASINGHE (Sri Lanka)	T	A
Sr. TOMASONE (Argentine)	T	A

COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES
COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES
COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

	Previous status Statut antérieur Calidad anterior	**New status [1] Nouveau statut Nueva calidad**

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

HAITI	-	A
SAINT-SIEGE	-	O

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. AMPIAH (Ghana)	-	T
M. BEYE (Sénégal)	-	Suppléant de M. WADE
Sr. EURNEKIAN (Argentine)	-	Suppléant de Sr. SEBASTIANI
Mr. KUNYAVSKY (Bélarus)	-	A
Sr. MANTILLA (Argentine)	-	Suppléant de Sr. SEBASTIANI
Mr. NIKOLOV (Bulgarie)	-	Suppléant de Mr. PAVLOV
Mr. OWUSU (Ghana)	-	Suppléant de Mr. AMPIAH
M. WADE (Sénégal)	-	T

changer/change/cambiar

M. AL-HENDI (République arabe syrienne)	S	Suppléant de M. SULEIMAN
Mr. ANAND (Inde)	S	Suppléant de Mr. KOHLI

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O: Observer member / membre observateur / miembro observadore

Sr. ARRATIA ALVARADO (Chili)	S	Suppléant de Sr. LIZANA GREVE
M. BALBOUL (Liban)	S	Suppléant de M. BEYDOUN
Mr. BEKHEET (Egypte)	S	Suppléant de Mr. MEKKI
Sr. BERG MONASTERIO (Chili)	S	Suppléant de Sr. LIZANA GREVE
M. BEYDOUN (Liban)	T	A
Mr. BIDAWTKA (Inde)	S	Suppléant de Mr. KOHLI
Mr. BII (Kenya)	S	Suppléant de Mr. OWUOR
M. CHELARIU (Roumanie)	T	A
Mrs. CHEN (Chine)	S	Suppléant de Mr. PAN
M. DABO (Guinée)	S	Suppléant de Mme DIARRA
Mme DIARRA (Guinée)	T	A
M. FERRARA (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
Mr. FINKA (Slovaquie)	S	Suppléant de Mr. JAHNÁTEK
M. FONTANA GIUSTI (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
M. GLELE (Bénin)	T	A
M. GUEISSAZ (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
Mr. HADISUWITO (Indonésie)	T	A
Sr. HORTA PONCE (Chili)	S	Suppléant de Sr. LIZANA GREVE
Mr. IOFFE (Fédération de Russie)	S	Suppléant de Mr. KOLMOGOROV
Mr. JAHNÁTEK (Slovaquie)	T	A
Mr. KANTER (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. KASOUMOV (Fédération de Russie)	S	Suppléant de Mr. KOLMOGOROV
Mr. KASWARRA (Ouganda)	T	A
Mr. KOHLI (Inde)	T	A
Mr. KOLMOGOROV (Fédération de Russie)	T	A
Mr. KRASILNIKOV (Fédération de Russie)	S	Suppléant de Mr. KOLMOGOROV
M. LAURENTI (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
Sr. LIZANA GREVE (Chili)	T	A
M. MALAKANI (République arabe syrienne)	S	Suppléant de M. SULEIMAN
Mr. MEKKI (Egypte)	T	A
Mr. MUSANA (Zambie)	T	A
M. MYROSHNYCHENKO (Ukraine)	T	A
Ms. NONDE (Zambie)	S	Suppléant de Mr. MUSANA
Mr. OWUOR (Kenya)	T	A
Mr. PAN (Chine)	T	A
M. PAOLIN (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
M. PONOMAREV (Ukraine)	S	Suppléant de M. MYROSHNYCHENKO
Mr. PRIOR (République tchèque)	T	A
Mme SASSO MAZZUFFERI (Italie)	T	A
Mr. SIMANJUNTAK (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. SKALA (République tchèque)	S	Suppléant de Mr. PRIOR
Mr. SUKARTIN (Indonésie)	S	Suppléant de Mr. HADISUWITO
M. SULEIMAN (République arabe syrienne)	T	A
Mr. VORONOV (Fédération de Russie)	S	Suppléant de Mr. KOLMOGOROV

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

delete/supprimer/suprimir

Sr. HERMIDA MARTINEZ (Argentine)	S	
Mr. SORIANO (Philippines)	S	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. ALEMAZEHU (Ethiopie)	-	T
Mrs. BALSIENE (Lituanie)	-	A
M. DJIBRINE ASSALI (Tchad)	-	T
Mr. MIACHIN (Fédération de Russie)	-	A
M. MOUSSENI (Cameroun)	-	A
M. RAMANARIVO (Madagascar)	-	T
Sr. SERRANO (Colombie)	-	A

changer/change/cambiar

M. BAUSCH (Luxembourg)	T	A
Ms. PRUDENCE (Royaume-Uni)	T	A
M. RAHMA (Algérie)	T	A
M. SANE (Sénégal)	T	A

COMMITTEE ON CONTRACT LABOUR
COMMISSION DU TRAVAIL EN SOUS-TRAITANCE
COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
HAITI	-	A
SAINT-SIEGE	-	O

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. AMPIAH (Ghana)	-	T
M. BEYE (Sénégal)	-	Suppléant de M. WADE
M. CLESCA (Haïti)	-	A
Mr. DE VRIES (Suriname)	-	A
Mr. DJARBENG (Ghana)	-	Suppléant de Mr. AMPIAH
M. WADE (Sénégal)	-	T

delete/supprimer/suprimir

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[1] T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador

Mr. PAYOS (Philippines)	S	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mrs. BALSIENE (Lituanie)	-	T
Mr. KOORNAAR (Suriname)	-	T
M. PIERRE (Haïti)	-	T
Sr. SOMOZA ALFARO (El Salvador)	-	T

changer/change/cambiar

Mr. AKSAM (Indonésie)	T	A
M. BARBIERI (Italie)	T	A
M. MAHAN (Côte d'Ivoire)	T	A
Mme MBAYE (Sénégal)	T	A
Ms. MRKWICKA (Irlande)	T	A
Sr. NAVARRO (Venezuela)	T	A
Mr. SHANKAR (Fidji)	T	A
Sr. VELOZ CUEVA (Equateur)	T	A

delete/supprimer/suprimir

Mr. LALOV (Bulgarie)	A	
Ms. OOSTVEEN (Pays-Bas)	A	

CONSTITUTIONAL AMENDMENT AND STANDING ORDERS COMMITTEE

COMMISSION DE L'AMENDEMENT CONSTIUTIONNEL ET DU REGLEMENT

COMISIÓN DE LA ENMIENDA CONSTITUCIONAL Y DEL REGLAMENTO

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ADU-MANTE (Ghana)	-	Suppléant de Mr. AMPIAH
Mr. AMPIAH (Ghana)	-	T

changer/change/cambiar

Mr. TAN (Philippines)	S	Suppléant de Mr. VARELA
Mr. VARELA (Philippines)	T	A

delete/supprimer/suprimir

Mr. PERIQUET (Philippines)	S	

Workers - Travailleurs - Trabajadores

delete/supprimer/suprimir

M. MOUSSENI (Cameroun)	A	

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[1] T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 7 June 1997.

Request by a non-governmental international organization to be represented in Conference committees

In accordance with article 56, paragraph 9 of the Conference Standing Orders, the Officers of the Selection Committee have invited the World Organization Against Torture to be represented in the Committee on the Application of Standards, the Committee on Job Creation and the Committee on Contract Labour.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISIÓN DE APLICACIÓN DE NORMAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
MADAGASCAR	-	t
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mrs. CHEN (Chine)	-	Suppléant de Mr. PAN
Mr. FERDINANDUS (Indonésie)	-	Suppléant de Mr. HADISUWITO
Mr. PAN (Chine)	-	A
changer/change/cambiar		
Mr. BHAKDIBADHANABANIJ (Thaïlande)	S	Suppléant de Mr. KUNANANTAKUL
Mr. KUNANANTAKUL (Thaïlande)	T	A

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[1] T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Sr. ALARCON GOMEZ (Chili)	-	A
M. DJIBRINE ASSALI (Tchad)	-	T
M. IOUI (Maroc)	-	A
Mr. KARA (Israël)	-	T
Sr. MALDONADO OLIVARES (Chili)	-	A
Ms. MRKWICKA (Irlande)	-	T

changer/change/cambiar

Mr. SUBASINGHE (Sri Lanka)	A	T
Mr. TAMPOE (Sri Lanka)	T	A

COMMITTEE ON THE REVISION OF CONVENTION No. 96

COMMISSION DE LA REVISION DE LA CONVENTION No. 96

COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

Employers - Employeurs - Empleadores

changer/change/cambiar

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Mr. ADU-MANTE (Ghana)	S	Suppléant de Mr. AMPIAH
Mr. ALLEN (Royaume-Uni)	S	Suppléant de Ms. FRANCE
Mr. AMPIAH (Ghana)	T	A
Mr. BILLER (Etats-Unis)	S	Suppléant de Mr. POTTER
Sr. DE ARBELOA (Venezuela)	T	A
M. DIOP (Sénégal)	S	Suppléant de M. WADE
Sra. ERASO BELALCAZAR (Colombie)	S	Suppléant de Sr. VILLEGAS ECHEVERRI
Mr. ERNST (République tchèque)	S	Suppléant de Mr. PRIOR
Sr. ESPOUEYS (Argentine)	S	Suppléant de Sr. SEBASTIANI
M. FERRARA (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
Sr. FERRER DUFOL (Espagne)	T	A
M. FONTANA GIUSTI (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
Ms. FRANCE (Royaume-Uni)	T	A
M. GUEISSAZ (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
Sr. GUEVARA-PERAZA (Venezuela)	S	Suppléant de Sr. DE ARBELOA
Sr. HERMIDA MARTINEZ (Argentine)	S	Suppléant de Sr. SEBASTIANI
Sr. HUNT ORTIZ (Espagne)	S	Suppléant de Sr. FERRER DUFOL
M. LAURENTI (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
Sr. MANTILLA (Argentine)	S	Suppléant de Sr. SEBASTIANI

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[1] T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Sra. MONSALVE CUELLAR (Colombie)	S	Suppléant de Sr. VILLEGAS ECHEVERRI
Mr. PAN (Chine)	T	A
M. PAOLIN (Italie)	S	Suppléant de Mme SASSO MAZZUFFERI
Sr. PEREZ GARCIA (Colombie)	S	Suppléant de Sr. VILLEGAS ECHEVERRI
Mr. POTTER (Etats-Unis)	T	A
Mr. PRIOR (République tchèque)	T	A
Mr. RICH (Etats-Unis)	S	Suppléant de Mr. POTTER
Mr. RITCHOTTE (Etats-Unis)	S	Suppléant de Mr. POTTER
Sr. RODRIGUEZ CASTAÑÓN (Espagne)	S	Suppléant de Sr. FERRER DUFOL
Sra. SALVAT (Argentine)	S	Suppléant de Sr. SEBASTIANI
Mme SASSO MAZZUFFERI (Italie)	T	A
Sr. SEBASTIANI (Argentine)	T	A
Mr. SEMRAU (Etats-Unis)	S	Suppléant de Mr. POTTER
Sr. VILLEGAS ECHEVERRI (Colombie)	T	A
M. WADE (Sénégal)	T	A
Mrs. ZHANG (Chine)	S	Suppléant de Mr. PAN

Workers - Travailleurs - Trabajadores

changer/change/cambiar

M. AL-LOUZY (République arabe syrienne)	T	A
Mr. ARANJUEZ (Philippines)	T	A
M. HOSSU (Roumanie)	T	A
Sr. MORANTES ALFONSO (Colombie)	A	T

COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES

COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES

COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

MADAGASCAR	-	t

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. BILLER (Etats-Unis)	-	Suppléant de Mr. POTTER
Ms. DOWIE (Afrique du Sud)	-	Suppléant de Mr. BOTHA
Mrs. ZHANG (Chine)	-	Suppléant de Mr. PAN

changer/change/cambiar

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[1] T: Regular member / membre Titulaire / miembro titular   S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto   O: Observer member / membre observateur / miembro observadore

Mr. BOTHA (Afrique du Sud)	T	A
Mr. HAGHBAYAN (République islamique d'Iran)	S	Suppléant de Mr. NAJAFI-MANESH
Mr. KASWARRA (Ouganda)	A	T
M. MYROSHNYCHENKO (Ukraine)	A	T
Mr. NAJAFI-MANESH (République islamique d'Iran)	A	T
M. PONOMAREV (Ukraine)	S	Suppléant de M. MYROSHNYCHENKO

delete/supprimer/suprimir

Mrs. CHEN (Chine)	S	
Mr. ERNST (Afrique du Sud)	S	
Mr. TSHALATA (Afrique du Sud)	S	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Ms. ANGCO (Philippines)	-	A
Mr. KARA (Israël)	-	A
Sr. SOMOZA ALFARO (El Salvador)	-	T

changer/change/cambiar

M. BECHARA (Liban)	T	A
M. CHAHIR (Maroc)	T	A
M. DE OLIVEIRA (Portugal)	A	T
Mr. GHANDOUR (Soudan)	T	A
Sr. LUZARDO (Equateur)	T	A
Mr. OSINKIN (Fédération de Russie)	T	A
M. RADI (Roumanie)	T	A
M. RAMOS (Portugal)	T	A

delete/supprimer/suprimir

M. DJIBRINE ASSALI (Tchad)	T	

COMMITTEE ON CONTRACT LABOUR
COMMISSION DU TRAVAIL EN SOUS-TRAITANCE
COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

Governments - Gouvernements - Gobiernos

changer/change/cambiar

NIGER	A	T

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[1] T: Regular member / membre Titulaire / miembro titular
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S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ANIM (Ghana)	-	Suppléant de Mr. AMPIAH
Sr. HERMIDA MARTINEZ (Argentine)	-	Suppléant de Sr. SEBASTIANI
Sr. MANTILLA (Argentine)	-	Suppléant de Sr. SEBASTIANI
Sr. RODRIGUEZ CASTAÑÓN (Espagne)	-	Suppléant de Sr. FERRER DUFOL

changer/change/cambiar

M. BEYE (Sénégal)	S	Suppléant de M. WADE
Mr. TABANI (Pakistan)	T	A
M. WADE (Sénégal)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. AUGUSTUS (Barbade)	-	T
Mr. LALOV (Bulgarie)	-	A

changer/change/cambiar

M. AZOUA (Bénin)	T	A
M. BENATIA (Algérie)	T	A
Mr. EZAT (Egypte)	T	A
M. PIERRE (Haïti)	T	A
Mr. POLAT (Turquie)	T	A
Sr. SOMOZA ALFARO (El Salvador)	T	A

CONSTITUTIONAL AMENDMENT AND STANDING ORDERS COMMITTEE
COMMISSION DE L'AMENDEMENT CONSTIUTIONNEL ET DU REGLEMENT
COMISIÓN DE LA ENMIENDA CONSTITUCIONAL Y DEL REGLAMENTO

	Previous status Statut antérieur Calidad anterior	**New status [1] Nouveau statut Nueva calidad**

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

MADAGASCAR	-	T

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[1] T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 9 June 1997.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISIÓN DE APLICACIÓN DE NORMAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
SURINAME	-	T
changer/change/cambiar		
SENEGAL	A	T
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Sr. BARRETO MEDINA (Paraguay)	-	A
M. DEREYMAEKER (Belgique)	-	A
M. DIOUF (Sénégal)	-	A
Mr. SENO (Philippines)	-	A

COMMITTEE ON THE REVISION OF CONVENTION No. 96

COMMISSION DE LA REVISION DE LA CONVENTION No. 96

COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

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[1] T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mr. AL-KAHLANI (Yémen)	T	A
Mr. BALTA (Turquie)	T	A
Mr. BEZERRA LEITE (Brésil)	T	A
M. COMPAORE (Burkina Faso)	T	A
M. IULIANO (Italie)	T	A
M. KEBE (Guinée)	T	A
Mr. KIM (République de Corée)	T	A
Mr. MAHJOOB (République islamique d'Iran)	T	A
Sr. MILLAN BAEZA (Chili)	T	A
M. MOUSSENI (Cameroun)	T	A

COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES
COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES
COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

Employers - Employeurs - Empleadores

delete/supprimer/suprimir

Mr. BILLER (Etats-Unis)	S	

Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mrs. ABD-ELHADY (Egypte)	T	A
Mr. CARLSSON (Suède)	T	A
M. DIRIX (Belgique)	T	A
Ms. DRIJFHOUT (Pays-Bas)	T	A
Mr. HANSEN (Norvège)	T	A
Ms. HEMMER (Finlande)	T	A
Mr. MANOLOV (Bulgarie)	T	A
Mr. MOHAMMED (Bahreïn)	T	A
Mr. MUGALLA (Kenya)	T	A
Mr. MUHEUA (Namibie)	T	A
Mr. WON (République de Corée)	T	A

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A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observado

COMMITTEE ON CONTRACT LABOUR

COMMISSION DU TRAVAIL EN SOUS-TRAITANCE

COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
SENEGAL	-	T
SURINAME	-	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mr. BILLER (Etats-Unis)	-	Suppléant de Mr. POTTER
Workers - Travailleurs - Trabajadores		
changer/change/cambiar		
Mr. ALI (Soudan)	T	A
Ms. KWON (République de Corée)	T	A
Mr. SONOHARA (Brésil)	T	A
Ms. STOLWIJK (Pays-Bas)	T	A

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 10 June 1997.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISIÓN DE APLICACIÓN DE NORMAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
ALBANIE	-	T
SAO TOME-ET-PRINCIPE	-	A
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Mme GOLJA (Albanie)	-	A
M. MBACKE (Sénégal)	-	Suppléant de M. WADE
M. SHMILI (Albanie)	-	Suppléant de Mme GOLJA
M. WADE (Sénégal)	-	A
delete/supprimer/suprimir		
M. ILBOUDO (Burkina Faso)	A	
M. KABORE (Burkina Faso)	S	
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. CAMARA (Sénégal)	-	A
M. FEJZULLAI (Albanie)	-	A
M. MAHAN (Côte d'Ivoire)	-	A
M. MUÇO (Albanie)	-	T

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[1] T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observador

M. NUSHAJ (Albanie)	-	A
Sr. VALERO (Colombie)	-	A
M. VAZ (Cap-Vert)	-	A

changer/change/cambiar

Sr. CHÁVEZ CHÁVEZ (Equateur)	T	A
Sr. DUTÁN ERRAEZ (Equateur)	A	T
Mr. SENO (Philippines)	A	T

COMMITTEE ON THE REVISION OF CONVENTION No. 96

COMMISSION DE LA REVISION DE LA CONVENTION No. 96

COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

Employers - Employeurs - Empleadores

add/ajouter/añadir

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
M. MBACKE (Sénégal)	-	Suppléant de M. WADE

changer/change/cambiar

Mr. HAKEEM (Inde)	S	Suppléant de Mr. KOHLI
Mr. KOHLI (Inde)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. CISSE (Sénégal)	-	A
Mr. KITTENIS (Chypre)	-	T

delete/supprimer/suprimir

Mr. CHRISTOFI (Chypre)	T	

COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES

COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES

COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

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[1] T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

HONDURAS	-	T
SAO TOME-ET-PRINCIPE	-	A

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. DO CARMO MUSSANHANE (Mozambique)	-	A

delete/supprimer/suprimir

Sr. TAMAYO MONTOYA (Colombie)	S	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. DIOMEDOUS (Chypre)	-	T
M. NDIAYE (Sénégal)	-	A
M. SOARES DO NASCIMENTO (Sao Tomé-et-Principe)	-	A
M. VAZ (Cap-Vert)	-	A

changer/change/cambiar

Mr. AHMED (Bangladesh)	T	A
Ms. ANGCO (Philippines)	A	T
Sr. LOPEZ (Paraguay)	T	A
Mr. MENDOZA (Philippines)	T	A

delete/supprimer/suprimir

Mr. NEUMANN (Hongrie)	A	
Mr. TÓTH (Hongrie)	A	

COMMITTEE ON CONTRACT LABOUR
COMMISSION DU TRAVAIL EN SOUS-TRAITANCE
COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

EQUATEUR	-	T
SAO TOME-ET-PRINCIPE	-	A

Employers - Employeurs - Empleadores

add/ajouter/añadir

Sr. TAMAYO MONTOYA (Colombie)	-	Suppléant de Sr. VILLEGAS ECHEVERRI

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[1] T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observado

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Sr. COBAS (Argentine)	-	A
M. GUEYE (Sénégal)	-	A
M. MAKEMBE (Cameroun)	-	A
M. NDIAYE (Sénégal)	-	A
M. SOARES DO NASCIMENTO (Sao Tomé-et-Principe)	-	A
Mr. TÓTH (Hongrie)	-	T
Sr. VALERO (Colombie)	-	A

changer/change/cambiar

Mr. AMINI TAME (République islamique d'Iran)	T	A
Sr. CHÁVEZ CHÁVEZ (Equateur)	A	T
Sr. GIL (Venezuela)	A	T
Mr. HAIKALI (Namibie)	T	A
Mr. HASSAN FULAD (Bahreïn)	T	A
Mr. POLAT (Turquie)	A	T

delete/supprimer/suprimir

Mr. CZUGLERNÉ IVÁNYI (Hongrie)	T
Mr. NEUMANN (Hongrie)	A
Sr. VELOZ CUEVA (Equateur)	A

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[1] T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 11 June 1997.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISIÓN DE APLICACIÓN DE NORMAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
REPUBLIQUE D'ANGOLA	-	T
Employers - Employeurs - Empleadores		
delete/supprimer/suprimir		
Sra. FERREIRA (Uruguay)	S	
Sr. VARELA (Uruguay)	T	
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. PANG (Singapour)	-	A
M. PIERRE (Haïti)	-	T
changer/change/cambiar		
M. BECCARI (Saint-Marin)	T	A
M. FELICI (Saint-Marin)	A	T
Mr. SENO (Philippines)	T	A

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[1] T: Regular member / membre Titulaire / miembro titular — S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto — O: Observer member / membre observateur / miembro observador

COMMITTEE ON THE REVISION OF CONVENTION No. 96
COMMISSION DE LA REVISION DE LA CONVENTION No. 96
COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
REPUBLIQUE D'ANGOLA	-	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Sra. FERREIRA (Uruguay)	-	Suppléant de Sr. VARELA
changer/change/cambiar		
Mr. HRDINA (Slovaquie)	S	Suppléant de Mr. JAHNÁTEK
Mr. HUTTUNEN (Finlande)	S	Suppléant de Mr. RISKI
Mr. JAHNÁTEK (Slovaquie)	T	A
Mr. NYYSSOLA (Finlande)	S	Suppléant de Mr. RISKI
Mr. RISKI (Finlande)	T	A
delete/supprimer/suprimir		
Sr. AMEGLIO (Uruguay)	S	
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. CHRISTOFI (Chypre)	-	A
Ms. VAN DEN BURG (Pays-Bas)	-	T
changer/change/cambiar		
Mr. ALI BASHIR (Soudan)	T	A
Mrs. FOSS (Norvège)	T	A
M. GUIRO (Sénégal)	A	T
Mr. KATSIOTIS (Grèce)	T	A
Sr. MORANTES ALFONSO (Colombie)	T	A
Mr. SANMUGAM (Malaisie)	T	A

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COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES

COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES

COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
REPUBLIQUE D'ANGOLA	-	T
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
Mr. WAJDA (Pologne)	-	A
changer/change/cambiar		
Ms. ANGCO (Philippines)	T	A
M. BOUBACRINE (Niger)	T	A
Sr. CASTILLO MIRANDA (Panama)	T	A
Mr. DAVIS (Belize)	T	A
Ms. HART-KULBABA (Canada)	T	A
Mr. KAADU (Estonie)	T	A
M. KABORE (Burkina Faso)	T	A
Mr. KALYVIS (Grèce)	T	A
Mr. KUREJ (Slovaquie)	A	T
Ms. LENOIR (Etats-Unis)	T	A
Mr. MANJAZE (Mozambique)	T	A
Mr. MBONINI (Botswana)	T	A
Mr. MHANGO (Malawi)	T	A
Mr. MOOKHERJEE (Inde)	T	A
Mr. NCONGWANE (Swaziland)	T	A
Sr. RAMOS RODRÍGUEZ (Mexique)	T	A
Mr. RUSNOK (République tchèque)	T	A
delete/supprimer/suprimir		
Mr. LEPIK (Pologne)	T	

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A: Deputy member / membre adjoint / miembro adjunto
O: Observer member / membre observateur / miembro observado

COMMITTEE ON CONTRACT LABOUR
COMMISSION DU TRAVAIL EN SOUS-TRAITANCE
COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Governments - Gouvernements - Gobiernos		
add/ajouter/añadir		
REPUBLIQUE D'ANGOLA	-	T
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
M. BOYE (Sénégal)	-	Suppléant de M. WADE
changer/change/cambiar		
Mr. MEKKI (Egypte)	T	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. DIOP (Sénégal)	-	a
Sr. LAZO-PERALTA (Pérou)	-	T
Mr. ONGABA (Ouganda)	-	T
Ms. VAN DEN BURG (Pays-Bas)	-	A
changer/change/cambiar		
Mme LEARDINI (Saint-Marin)	T	A
M. MACINA (Saint-Marin)	A	T
Ms. STOLWIJK (Pays-Bas)	A	T
M. ZONGO (Burkina Faso)	T	A
delete/supprimer/suprimir		
Mrs. ATANASSOVA (Bulgarie)	A	
Mr. LALOV (Bulgarie)	A	
Sr. MALDONADO OLIVARES (Chili)	A	

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S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 12 June 1997.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISIÓN DE APLICACIÓN DE NORMAS

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Employers - Employeurs - Empleadores		
add/ajouter/añadir		
Sr. BUGALLAL ORTIZ (Espagne)	-	Suppléant de Sr. FERRER DUFOL
changer/change/cambiar		
M. AIT AHCENE (Algérie)	S	Suppléant de M. MEGATELI
M. LOUNIS KHODJA (Algérie)	S	Suppléant de M. MEGATELI
M. MEGATELI (Algérie)	T	A
Workers - Travailleurs - Trabajadores		
add/ajouter/añadir		
M. BINTOU A TSHIBOLA KATOMPA (République démocratique du Congo)	-	T

COMMITTEE ON THE REVISION OF CONVENTION No. 96
COMMISSION DE LA REVISION DE LA CONVENTION No. 96
COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observado

Employers - Employeurs - Empleadores

changer/change/cambiar

M. PENA E COSTA (Portugal)	S	Suppléant de M. PEREIRA MONTOYA
M. PEREIRA MONTOYA (Portugal)	T	A
Mme VIEIRA (Portugal)	S	Suppléant de M. PEREIRA MONTOYA

Workers - Travailleurs - Trabajadores

changer/change/cambiar

M. ETE (Côte d'Ivoire)	T	A
Mrs. FOSS (Norvège)	A	T
Mr. FRIEHS (Autriche)	T	A
Mr. KITTENIS (Chypre)	T	A
Sr. MILLAN BAEZA (Chili)	A	T
Mr. TAHA (Egypte)	T	A
Ms. VAN DEN BURG (Pays-Bas)	T	A

COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES

COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES

COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

Employers - Employeurs - Empleadores

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
add/ajouter/añadir		
M. DIOP (Sénégal)	-	Suppléant de M. WADE
Mr. IACONA (Ethiopie)	-	A
M. KIRAHUZI (Burundi)	-	A
changer/change/cambiar		
Mr. AL-GHAIZI (Emirats arabes unis)	S	Suppléant de Mr. MATTAR
Mr. AL-KUMAIM (Yémen)	S	Suppléant de Mr. AL-ROUBAIDI
Mr. AL-ROUBAIDI (Yémen)	T	A
Mr. DAHLAN (Arabie saoudite)	T	A
M. DEMEESTER (Belgique)	S	Suppléant de M. VAN HOLM
Mr. EL RABEEY (Oman)	T	A
Ms. FOERS (Royaume-Uni)	S	Suppléant de Ms. FRANCE
Ms. FRANCE (Royaume-Uni)	T	A
Sr. GONZALEZ RODRÍGUEZ (Cuba)	T	A
M. LOUNIS KHODJA (Algérie)	S	Suppléant de M. MEGATELI
Mr. MATTAR (Emirats arabes unis)	T	A

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

M. MEGATELI (Algérie)	T	A
M. STORM (Belgique)	S	Suppléant de M. VAN HOLM
M. VAN HOLM (Belgique)	T	A
M. YOUSFI (Algérie)	S	Suppléant de M. MEGATELI

delete/supprimer/suprimir

Sr. CAMERON GENES (Paraguay)	S	
Sr. CARVAJAL BUSTAMANTE (Mexique)	T	
Sr. DÍAZ GUAJARDO (Mexique)	S	
Mr. HAGHBAYAN (République islamique d'Iran)	S	
Mr. NAJAFI-MANESH (République islamique d'Iran)	T	
Sr. TALAVERA GOIBURU (Paraguay)	A	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mrs. DIMITROVA (Bulgarie)	-	A

changer/change/cambiar

Mr. ADIYA (Mongolie)	T	A
M. CEDRONE (Italie)	T	A
Mr. DIOMEDOUS (Chypre)	T	A
Mr. OZBEK (Turquie)	T	A
M. VERONESE (France)	T	A

COMMITTEE ON CONTRACT LABOUR

COMMISSION DU TRAVAIL EN SOUS-TRAITANCE

COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. COMENICA (Pays-Bas)	-	Suppléant de Mr. HUNTJENS
Mr. DAVYDOV (Fédération de Russie)	-	Suppléant de Mr. KOLMOGOROV
M. SABO (Niger)	-	A
M. SALEY (Niger)	-	Suppléant de M. SABO

changer/change/cambiar

Mr. AAGAARD (Danemark)	S	Suppléant de Mr. RONNEST
Mr. AL-GHAIZI (Emirats arabes unis)	S	Suppléant de Mr. MATTAR
Mr. BANG (Danemark)	S	Suppléant de Mr. RONNEST

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observador

Mrs. BARDSEN (Norvège)	S	Suppléant de Mr. HOFF
Mr. D'ARAUJO MARTINS (Brésil)	T	A
M. DA COSTA (Belgique)	S	Suppléant de M. VAN HOLM
Mr. DONATO (Brésil)	S	Suppléant de Mr. D'ARAUJO MARTINS
Ms. FRANCE (Royaume-Uni)	T	A
Mr. HOFF (Norvège)	T	A
Mr. MAGNUSSEN (Norvège)	S	Suppléant de Mr. HOFF
Mr. MATLHAKU (Botswana)	T	A
Mr. MATTAR (Emirats arabes unis)	T	A
Mr. MUSANA (Zambie)	T	A
M. MUYLDERMANS (Belgique)	S	Suppléant de M. VAN HOLM
Mr. NYATHANDO (Zambie)	S	Suppléant de Mr. MUSANA
Mr. PERES DA SILVA (Brésil)	S	Suppléant de Mr. D'ARAUJO MARTINS
Mr. ROBERTS (Jamaïque)	T	A
Mr. RONNEST (Danemark)	T	A
Mme SEVRAIN (Belgique)	S	Suppléant de M. VAN HOLM
Ms. SKANTING (Danemark)	S	Suppléant de Mr. RONNEST
Mr. TAYLOR (Royaume-Uni)	S	Suppléant de Ms. FRANCE
M. VAN HOLM (Belgique)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. TSUKULU (Lesotho)	-	T

changer/change/cambiar

Mr. AUGUSTUS (Barbade)	T	A
M. CHIRITA (Roumanie)	T	A
Mr. HONEK (République tchèque)	T	A
M. ISSA (Liban)	T	A
Mr. RIMAL (Népal)	T	A
Ms. STOLWIJK (Pays-Bas)	T	A
Mr. ZARB (Malte)	T	A

delete/supprimer/suprimir

Mr. AGIUS (Malte)	A
Mr. LI (Chine)	A

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Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 13 June 1997.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS
COMMISSION DE L'APPLICATION DES NORMES
COMISIÓN DE APLICACIÓN DE NORMAS

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Workers - Travailleurs - Trabajadores		
changer/change/cambiar		
Mr. KOC (Turquie)	A	T
delete/supprimer/suprimir		
Ms. BENDIXEN (Danemark)	A	
Mr. MERAL (Turquie)	T	

COMMITTEE ON THE REVISION OF CONVENTION No. 96
COMMISSION DE LA REVISION DE LA CONVENTION No. 96
COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Workers - Travailleurs - Trabajadores		
changer/change/cambiar		
M. IULIANO (Italie)	A	T
Sr. MORANTES ALFONSO (Colombie)	A	T
Mme RINGEISEN ARNOLD (Suisse)	T	A

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observador

delete/supprimer/suprimir

Mr. BALTA (Turquie)	A	
Ms. BENDIXEN (Danemark)	T	
Mr. CETIN (Turquie)	A	

COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES
COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES
COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

Employers - Employeurs - Empleadores

changer/change/cambiar

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad
Sr. ARDON QUIÑONEZ (Guatemala)	S	Suppléant de Sr. PRETI JORQUIN
Mr. PAPENFUSS (Allemagne)	S	Suppléant de Mr. THÜSING
Sr. PRETI JORQUIN (Guatemala)	T	A
Sr. RICCI MUADI (Guatemala)	S	Suppléant de Sr. PRETI JORQUIN
Mr. THÜSING (Allemagne)	T	A
Mr. ZAJAC (Pologne)	T	A
Mr. ZAJKO (Pologne)	S	Suppléant de Mr. ZAJAC

Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mr. ALEMAYEHU (Ethiopie)	T	A
M. ASSIMA (Togo)	T	A
M. MAYOMBO (Gabon)	T	A

delete/supprimer/suprimir

Mr. GUVERGIN (Turquie)	A	
Mr. OZBEK (Turquie)	A	

COMMITTEE ON CONTRACT LABOUR
COMMISSION DU TRAVAIL EN SOUS-TRAITANCE
COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

	Previous status Statut antérieur Calidad anterior	New status [1] Nouveau statut Nueva calidad

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Employers - Employeurs - Empleadores

changer/change/cambiar

Mr. ANALYTIS (Grèce)	T	A
Mr. HARAKAS (Grèce)	S	Suppléant de Mr. ANALYTIS
Mr. JAHNÁTEK (Slovaquie)	T	A
Mr. MAKEKA (Lesotho)	T	A
Mr. PECIAR (Slovaquie)	S	Suppléant de Mr. JAHNÁTEK
Mrs. TSOUMANI-SPENTZA (Grèce)	S	Suppléant de Mr. ANALYTIS
Mr. VAGIAS (Grèce)	S	Suppléant de Mr. ANALYTIS

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mme GOERGEN (Luxembourg)	-	T

changer/change/cambiar

Mrs. BALSIENE (Lituanie)	T	A
Mr. BOGGS (Etats-Unis)	A	T
Sr. ESPONDA ZEBADUA (Mexique)	T	A
Sr. LAZO-PERALTA (Pérou)	T	A
Mrs. SOSNINA (Fédération de Russie)	T	A
Mr. ZARB (Malte)	A	T
M. ZONGO (Burkina Faso)	A	T

delete/supprimer/suprimir

Sr. COBAS (Argentine)	A	
Mr. ERALAN (Turquie)	A	
Sr. ESPINOZA CONCHA (Chili)	A	
Mr. GARREN (Etats-Unis)	T	
Mr. KLEIN (Autriche)	T	
M. KONZ (Luxembourg)	T	
Mr. POLAT (Turquie)	T	
Sr. RANU (Argentine)	T	

CONSTITUTIONAL AMENDMENT AND STANDING ORDERS COMMITTEE

COMMISSION DE L'AMENDEMENT CONSTIUTIONNEL ET DU REGLEMENT

COMISIÓN DE LA ENMIENDA CONSTITUCIONAL Y DEL REGLAMENTO

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**

Workers - Travailleurs - Trabajadores

delete/supprimer/suprimir

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observador

Mr. DENIZER (Turquie)	T
Mr. OZONUR (Turquie)	A

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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Decisions taken by the Officers of the Selection Committee under the authority delegated to them

By virtue of the authority delegated to them by the Conference and the Committee, the Officers of the Selection Committee have taken the following decisions with effect from 14 June 1997.

Changes in the composition of committees

The Officers of the Selection Committee have approved the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISIÓN DE APLICACIÓN DE NORMAS

Workers - Travailleurs - Trabajadores

changer/change/cambiar

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Mr. SUBASINGHE (Sri Lanka)	T	A
Mr. TAMPOE (Sri Lanka)	A	T

COMMITTEE ON THE REVISION OF CONVENTION No. 96

COMMISSION DE LA REVISION DE LA CONVENTION No. 96

COMISIÓN DE LA REVISIÓN DEL CONVENIO Núm. 96

Workers - Travailleurs - Trabajadores

changer/change/cambiar

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
Mrs. FOSS (Norvège)	T	A
Sr. GARCIA DUQUE (Espagne)	T	A
Mr. LYNCH (Etats-Unis)	T	A

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COMMITTEE ON JOB CREATION IN SMALL AND MEDIUM-SIZED ENTERPRISES

COMMISSION DE LA CREATION D'EMPLOI DANS LES PETITES ET MOYENNES ENTREPRISES

COMISIÓN DE LA CREACIÓN DE EMPLEOS EN LA PEQUEÑAS Y MEDIANAS EMPRESAS

Employers - Employeurs - Empleadores

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
add/ajouter/añadir		
Mr. DAVYDOV (Fédération de Russie)	-	Suppléant de Mr. KOLMOGOROV

COMMITTEE ON CONTRACT LABOUR

COMMISSION DU TRAVAIL EN SOUS-TRAITANCE

COMISIÓN DEL TRABAJO EN SUBCONTRATACIÓN

Workers - Travailleurs - Trabajadores

	Previous status **Statut antérieur** **Calidad anterior**	**New status** [1] **Nouveau statut** **Nueva calidad**
add/ajouter/añadir		
Mr. ZILONI (Israël)	-	A
changer/change/cambiar		
Mr. KOORNAAR (Suriname)	T	A
Mr. SANDRASEKARA (Sri Lanka)	T	A
Mr. TSUKULU (Lesotho)	T	A
delete/supprimer/suprimir		
Mr. BOGGS (Etats-Unis)	T	
M. DANTEC (France)	A	
M. DEDIEU (France)	T	
M. DELCROIX (Belgique)	T	
Mr. FROHLICH (Israël)	T	
Mr. HONEK (République tchèque)	A	
Mr. KARLSEN (Norvège)	T	
Ms. PASSCHIER (Pays-Bas)	A	

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International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

7 (Rev.)

Credentials

Brief report submitted on behalf of Mr. Jorge Arrate Mac Niven, Chairman of the Governing Body of the International Labour Office, on the credentials of delegates and advisers to the 85th Session of the International Labour Conference (Geneva, 2 June 1997).

1. The Chairman of the Governing Body of the International Labour Office has the honour to present the customary report prescribed by Article 26 of the Standing Orders of the International Labour Conference.

2. The composition of each delegation and the method of appointment of delegates and advisers to the sessions of the International Labour Conference are governed by Article 3 of the Constitution of the International Labour Organization.

3. In accordance with paragraphs 8 and 9 of this Article, it is for the governments to communicate to the International Labour Office the nominations made. The Conference examines these nominations and decides, in the case of dispute, whether delegates and advisers have been nominated in accordance with Article 3 of the Constitution.

4. The Conference exercises this power in accordance with the procedure laid down in Articles 5 and 26 of its Standing Orders.

5. In particular, paragraph 2 of Article 26 of the Standing Orders of the Conference provides that "A brief report upon these credentials, drawn up by the Chairman of the Governing Body, shall, with the credentials, be open to inspection by the delegates on the day before the opening of the session of the Conference and shall be published as an appendix to the record of the first sitting".

6. The present report is submitted in compliance with this provision. The list given in the table below was closed on Monday, 2 June 1997 at 12.00 noon in order that it might be available for inspection by the members of the delegations that same day, that is, the day before the opening of the Conference.

7. In addition, the present report serves for fixing provisionally, in accordance with paragraph 1(2) of Article 20 of the Standing Orders of the Conference, the quorum necessary to give validity to the votes taken.

8. The table below, based on the files containing the names of the delegates and advisers and the credentials with which they have been provided or the official communications transmitted to the International Labour Office, shows the numerical composition of the Conference. It is to be noted in this regard that persons who have been nominated both as substitute delegates and as advisers, in the letters communicating the nominations, have been included among the advisers.

9. To date, 150 States have notified the names of the members of the delegations. Fifty six countries deposited the credentials within the 15-day deadline before the date fixed for the opening of the Conference, in compliance with paragraph 1 of Article 26 of the Standing Orders of the Conference.

10. On the other hand, while the Conference and the Credentials Committee have already previously insisted on the obligation which Article 3 of the Constitution imposes on governments requiring them to send complete delegations to the Conference, three countries (Chad, Equitorial Guinea and Kyrgyzstan) had only nominated Government delegates, three countries (Cuba, Kazakstan and Sao Tome and Principe) had nominated a Workers' delegate but not an Employers' delegate, four countries (Lesotho, Mali, Nigeria and Peru) had nominated an Employers' delegate but not a Workers' delegate.

11. It should be noted that in the letters or facsimiles communicating their nominations, a certain number of governments have not mentioned the employers' and workers' organizations which they have consulted and with which they have come to an agreement in appointing Employers' and Workers' delegates in accordance with paragraph 5 of Article 3 of the Constitution of the Organization or have not confirmed that they were paying the travelling and subsistence expenses of their delegates and advisers in accordance with paragraph 2(a) of Article 13 of the Constitution. In this regard, in order to ensure greater clarity in establishing the credentials, it would be advisable that governments use, for the nomination of delegates and advisers, the form enclosed with the letter of convocation and the Memorandum on the Conference which the Office addresses every year to member States.

12. Finally, I should like to urge delegates and advisers to register in person at the Information and Reception Desk, the quorum being calculated on the basis of the number of delegates registered.

Composition of the Conference, and quorum

13. At present 292 Government delegates, 144 Employers' delegates and 143 Workers' delegates – a

total of 579 delegates are accredited to the Conference.

14. There are, in addition, 730 Government advisers, 407 Employers' advisers and 456 Workers' advisers – a total of 1593 advisers.

15. The total number of delegates and advisers who have been nominated in conformity with the provisions of the Constitution of the Organization to take part in the work of the Conference is 2172.

16. Since 26 of the States now represented are in arrears in the payment of their contributions to the Organization, those Members, under the terms of paragraph 4 of Article 13 of the Constitution, may not at present participate in the voting in the Conference or any of its committees (Angola, Belarus, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Dominican Republic, Ecuador, Equitorial Guinea, Guinea-Bissau, Haiti, Iraq, Kazakstan, Kyrgyzstan, Latvia, Libyan Arab Jamahiriya, Republic of Moldova, Paraguay, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, The former Yugoslav Republic of Macedonia, Togo and Yemen). Account is therefore not taken of 92 delegates in calculating the quorum. A further seven votes are excluded due to the incomplete non-government delegations referred to above.

17. In conformity with Article 17 of the Constitution of the Organization and with Article 20 of the Standing Orders of the Conference, the necessary quorum to give a vote validity will provisionally be 240[1].

Observers

18. On the invitation of the Governing Body of the International Labour Office, the Holy See has appointed an observer delegation to the Conference.

Organizations and liberation movement invited

19. The Conference is also being attended by:

- representatives of the United Nations and some of its organs, invited by virtue of Article II, paragraph 1 – relating to reciprocal representation – of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;
- representatives of specialized agencies and other official international organizations, invited in conformity with Article 2, paragraph 3(b) of the Standing Orders of the Conference;
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with Article 2, paragraph 3(j) of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with Article 2, paragraph 3(j) of the Standing Orders of the Conference;
- representatives of a liberation movement invited in conformity with Article 2, paragraph 3(k) of the Standing Orders of the Conference.

20. A list of these representatives is appended to the List of Delegations published as a Supplement to the Provisional Record of the Conference.

Geneva, 2 June 1997

(Signed) Mr. Jean-Jacques Oechslin
Employers' Vice-Chairman
of the Governing Body

Mr. Bill Brett
Workers' Vice-Chairman
of the Governing Body

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[1] i.e., half the total number of accredited delegates (579), after subtraction of the number not entitled to vote on account of arrears (92) and the number of incomplete non-governmental delegations (seven).

1) Government delegates
2) Government advisers
3) Employers' delegates
4) Employers' Advisers
5) Workers' delegates
6) Workers' Advisers

List of accredited delegates and advisers

	1)	*2)*	*3)*	*4)*	*5)*	*6)*
Afghanistan	·	·	·	·	·	·
Albania	2	2	1	4	1	·
Algeria	2	10	1	4	1	2
Angola	2	3	1	3	1	2
Antigua and Barbuda	·	·	·	·	·	·
Argentina	2	2	1	10	1	10
Armenia	·	·	·	·	·	·
Australia	2	2	1	·	1	·
Austria	2	6	1	2	1	4
Azerbaijan	·	·	·	·	·	·
Bahamas	2	·	1	·	1	1
Bahrain	2	4	1	·	1	2
Bangladesh	2	4	1	1	1	7
Barbados	2	·	1	·	1	·
Belarus	2	1	1	6	1	3
Belgium	2	16	1	6	1	10
Belize	1	·	1	·	1	·
Benin	2	1	1	·	1	3
Bolivia	2	1	1	1	1	·
Bosnia and Herzegovina	·	·	·	·	·	·
Botswana	2	3	1	·	1	·
Brazil	2	10	1	7	1	7
Bulgaria	2	5	1	3	1	9
Burkina Faso	2	2	1	1	1	3
Burundi	1	·	1	·	1	·
Cambodia	2	·	1	·	1	·
Cameroon	2	2	1	1	1	1
Canada	2	9	1	6	1	7
Cape Verde	2	·	1	·	1	·
Central African Republic	2	1	1	·	1	·
Chad	2	1	·	·	·	·
Chile	2	9	1	6	1	10
China	2	15	1	3	1	6
Colombia	2	12	1	10	1	8
Comoros	·	·	·	·	·	·
Congo	2	7	1	1	1	1
Costa Rica	2	2	1	·	1	1
Côte d'Ivoire	2	4	1	3	1	4
Croatia	2	2	1	·	1	·
Cuba	2	3	·	·	1	1
Cyprus	2	5	1	7	1	5
Czech Republic	2	6	1	4	1	5
Democratic Repubic of the Congo		·		·	·	·
Denmark	2	5	1	4	1	7
Djibouti	·	·	·	·	·	·
Dominica	·	·	·	·	·	·
Dominican Republic	2	4	1	8	1	6
Ecuador	2	1	1	·	1	2
Egypt	2	8	1	5	1	8
El Salvador	1	1	1	·	1	·
Equatorial Guinea	2	·	·	·	·	·
Eritrea	·	·	1	·	1	·
Estonia	2	2	1	·	1	·
Ethiopia	2	2	1	·	1	·
Fiji	2	·	1	1	1	·
Finland	2	5	1	4	1	6
France	2	10	1	8	1	9
Gabon	2	10	1	2	1	8
Gambia	2	·	1	·	1	·
Georgia	·	·	·	·	·	·
Germany	2	9	1	6	1	8
Ghana	2	2	1	6	1	6
Greece	2	13	1	10	1	10
Grenada	·	·	·	·	·	·
Guatemala	2	5	1	3	1	2
Guinea	2	3	1	1	1	2
Guinea-Bissau	2	·	1	·	1	1
Guyana	·	·	·	·	·	·
Haiti	2	4	1	·	1	·
Honduras	2	·	1	·	1	·
Hungary	2	9	1	7	1	6
Iceland	2	3	1	1	1	1
India	2	9	1	6	1	6
Indonesia	2	14	1	10	1	10
Islamic Republic of Iran	2	5	1	1	1	6
Iraq	2	1	1	·	1	·
Ireland	2	6	1	1	1	1
Israel	2	11	1	1	1	3
Italy	2	8	1	5	1	5
Jamaica	2	3	1	·	1	·
Japan	2	20	1	5	1	10
Jordan	2	5	1	6	1	2
Kazakstan	2	·	·	·	1	1
Kenya	2	3	1	1	1	1
Republic of Korea	2	12	1	6	1	6
Kuwait	2	8	1	2	1	4
Kyrgyzstan	1	·	·	·	·	·
Lao People's Dem. Rep	2	·	1	·	1	1
Latvia	1	·	1	1	1	2
Lebanon	2	7	1	4	1	5
Lesotho	2	2	1	·	·	·
Liberia	·	·	·	·	·	·
Libyan Arab Jamahiriya	2	8	1	1	1	3
Lithuania	2	1	1	·	1	·
Luxembourg	2	12	1	5	1	8
Madagascar	2	3	1	·	1	·
Malawi	2	2	1	·	1	·
Malaysia	2	9	1	2	1	3
Mali	2	2	1	1	·	·
Malta	2	3	1	3	1	4
Mauritania	2	1	1	·	1	1
Mauritius	2	4	1	·	1	1
Mexico	1	4	1	10	1	5
Republic of Moldova	2	1	1	1	1	1
Mongolia	2	2	1	1	1	1
Morocco	2	5	1	8	1	9
Mozambique	2	2	1	·	1	·
Myanmar	2	11	1	·	1	·
Namibia	2	7	1	1	1	1
Nepal	2	·	1	·	1	·
Netherlands	2	13	1	5	1	6
New Zealand	2	3	1	1	1	1
Nicaragua	2	3	1	·	1	·
Niger	·	·	·	·	·	·
Nigeria	2	14	1	5	·	·
Norway	2	6	1	7	1	8
Oman	2	4	1	·	1	·
Pakistan	2	4	1	·	1	·
Panama	2	3	1	1	1	1
Papua New Guinea	2	2	1	·	1	·
Paraguay	2	5	1	1	1	3
Peru	2	2	1	3	·	·
Philippines	2	16	1	5	1	6
Poland	2	8	1	5	1	6
Portugal	2	11	1	6	1	5
Qatar	2	4	1	·	1	·
Romania	2	3	1	9	1	10
Russian Federation	2	13	1	10	1	8
Rwanda	·	·	·	·	·	·
Saint Kitts and Nevis	·	·	·	·	·	·
Saint Lucia	·	·	·	·	·	·
Saint Vincent and the Grenadines	·	·	·	·	·	·
San Marino	2	4	1	8	1	5
Sao Tome and Principe	2	·	·	·	1	·
Saudi Arabia	2	6	1	·	1	1
Senegal	2	9	1	7	1	10
Seychelles	2	1	1	·	1	·
Sierra Leone	2	·	1	·	1	·
Singapore	2	1	1	·	1	9
Slovakia	2	11	1	4	1	4
Slovenia	2	3	1	1	1	1
Solomon Islands	·	·	·	·	·	·
Somalia	·	·	·	·	·	·
South Africa	2	7	1	8	1	6
Spain	2	9	1	9	1	8
Sri Lanka	2	8	1	·	1	5
Sudan	2	4	1	1	1	2
Suriname	2	1	1	·	1	·
Swaziland	2	1	1	1	1	1
Sweden	2	5	1	5	1	4
Switzerland	2	7	1	6	1	3
Syrian Arab Republic	2	4	1	2	1	2
Tajikistan	·	·	·	·	·	·
United Republic of Tanzania	2	7	1	1	1	1
Thailand	2	7	1	7	1	5
The Former Yugos.Rep. of Macedonia	2	4	1	·	1	·
Togo	2	·	1	·	1	1
Trinidad and Tobago	2	3	1	1	1	1
Tunisia	2	6	1	5	1	3
Turkey	2	14	1	10	1	10
Turkmenistan	·	·	·	·	·	·
Uganda	2	7	1	1	1	·
Ukraine	2	1	1	2	1	1
United Arab Emirates	2	3	1	1	1	3
United Kingdom	2	14	1	4	1	6
United States	2	13	1	7	1	8
Uruguay	2	4	1	4	1	1
Uzbekistan	·	·	·	·	·	·
Venezuela	2	6	1	7	1	7
Viet Nam	2	2	1	1	1	1
Yemen	2	2	1	1	1	1
Yugoslavia	·	·	·	·	·	·
Zambia	2	3	1	6	1	·
Zimbabwe	2	6	1	·	1	·

	1)	2)	3)	4)	5)	6)
Total	292	730	144	407	143	456

First report of the Credentials Committee

1. The Credentials Committee of the 85th Session of the Conference is composed of Mr. Matti Salmenperä, Government delegate, Finland, Chairman; Mr. Daniel Funes de Rioja, Employers' substitute delegate, Argentina; and Mr. Charles Gray, Workers' delegate, United States.

Composition of the Conference

2. Since the signing of the brief report made on behalf of the Chairman of the Governing Body of the International Labour Office (*Provisional Record* No. 7), a number of modifications have occurred in the composition of the Conference.

3. The number of member States of the International Labour Organization represented at the Conference is at present 158. To date 15 member States (Antigua and Barbuda, Armenia, Azerbaijan, Comoros, Dominica, Grenada, Guyana, Liberia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Solomon Islands, Somalia, Turkmenistan, and Uzbekistan) have not sent a delegation.

4. The Credentials Committee paid particular attention to credentials submitted by three countries. In the case of the *Democratic Republic of the Congo*, the Committee learnt that the United Nations had been informed of the change in name and flag of that country by the Deputy Permanent Representative of the Republic of Zaire, whose status and recent participation in the General Assembly had not, to the knowledge of the United Nations Secretariat, been challenged. Similarly, the credentials for the present Conference had been issued, on behalf of the Democratic Republic of the Congo, by the Chargé d'affaires ad interim of the Permanent Mission of the Republic of Zaire in Geneva, who had been on the United Nations list of members of Permanent Missions since well before the present changes. The Committee therefore concluded that those credentials should be accepted. In the case of *Sierra Leone*, the Committee noted that the credentials had been issued by the elected Government before the recent coup d'état. Acceptance of those credentials was in line with statements recently made by United Nations authorities. The Permanent Mission in Geneva of the *Federal Republic of Yugoslavia* had informed the Director-General of the ILO of the composition of a delegation to the Conference. In this respect, the Committee recalled the decision of the Governing Body at its 259th Session in 1994 that no action should be taken as regards the invitation of that country to sessions of the International Labour Conference or with regard to any credentials submitted on its behalf as long as that State was not recognized by the United Nations as the continuation of the former Socialist Federal Republic of Yugoslavia or had not been admitted to the International Labour Organization as a new Member.

Accredited delegates and advisers

5. The total number of accredited delegates is 604, comprising 307 Government delegates, 148 Employers' delegates and 149 Workers' delegates.

6. There are 1652 accredited advisers, comprising 770 Government advisers, 409 Employers' advisers and 473 Workers' advisers.

7. The total number of accredited delegates and advisers is therefore 2256.

8. With regard to the resolution concerning the participation of women in ILO meetings, adopted by the Conference at its 67th Session in June 1981, there are 57 women among the 604 delegates accredited to the Conference and 285 among the 1652 accredited advisers. The total number of women accredited to the Conference is therefore 342, i.e. 15.2 per cent of the total number of delegates and advisers as against 16.5 per cent last year.

Registered delegates and advisers

9. The following is the present situation concerning the registration of delegates, which (in accordance with practice, approved by this session of the Conference) is the basis for determining the quorum for voting.

10. At this time the number of registered delegates is 492, comprising 258 Government delegates, 117 Employers' delegates and 117 Workers' delegates.

11. In addition, the number of registered advisers is 1278, comprising 648 Government advisers, 272 Employers' advisers and 358 Workers' advisers.

Quorum

12. Fifty-three advisers, who are substitutes to delegates who have not registered, are taken into account in calculating the voting strength of the Conference.

13. Since 28 States represented at the Conference are in arrears in the payment of their financial contributions to the Organization so as to come within the

terms of paragraph 4 of Article 13 of the Constitution, these States may not at present participate in the voting in the Conference or in its committees (Afghanistan, Angola, Belarus, Bosnia and Herzegovina, Cape Verde, Central African Republic, Chad, Congo, Djibouti, Dominican Republic, Equatorial Guinea, Georgia, Guinea-Bissau, Haiti, Iraq, Kazakstan, Kyrgyzstan, Latvia, Republic of Moldova, Paraguay, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Tajikistan, The former Yugoslav Republic of Macedonia, Togo and Yemen). The 60 registered delegates designated by these States are hence not taken into consideration in fixing the quorum. A further seven votes are excluded since seven delegates in the incomplete nongovernmental delegations referred to below are registered at the Conference. The Committee also noted that the Libyan Arab Jamahiriya and Seychelles had been incorrectly included in the list of Member States in arrears that had been given in the Brief Report on credentials (*Provisional Record*, No. 7, paragraph 16) as they had recovered the right to vote respectively on 7 and 18 April 1997.

14. At the present time the quorum required to give a vote validity is 239.[1] The Committee appeals to delegates present at the Conference to register as soon as they arrive so that the quorum will be as nearly exact as possible and that their presence can be taken into account in its calculation.

Incomplete delegations

15. The Committee notes that, at the present time, the delegations of seven countries (Afghanistan, Bosnia and Herzegovina, Democratic Republic of the Congo, Equatorial Guinea, Georgia, Kyrgyzstan and Rwanda) are exclusively governmental. Three countries (Chad, Kazakstan and Sao Tome and Principe) have a Workers' delegate but not an Employers' delegate. Two countries (Lesotho and Mali) have an Employers' delegate but not a Workers' delegate. The Committee wishes to affirm once again the necessity for governments to comply with the requirement of Article 3 of the Constitution that a complete tripartite delegation be sent to the Conference. The Committee recalls that pursuant to a decision of the Governing Body, the Director-General each year requests the governments of all member States which did not send complete tripartite delegations to the Conference to indicate the reasons for their failure to do so, and that the information received in reply to that request is duly communicated to the Governing Body.

16. The Committee also notes that there is some imbalance between the number of advisers to the delegates of each group and also between the number of Employers' and Workers' advisers. It once again urges governments to take greater account, when nominating delegations, of the proportions in the composition of the Conference envisaged by paragraphs 1 and 2 of Article 3 of the Constitution. The Committee further recalls the request contained in the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organization, adopted by the Conference in 1971, and expresses the hope that Governments will accord equal treatment to each of the groups when appointing advisers to their country's delegation to the International Labour Conference. The Committee recalls in this connection the obligation of Members under Article 13, paragraph 2(a), of the Constitution, to pay the travelling and subsistence expenses of their delegates and advisers and trusts that this obligation will be respected for the whole duration of the Conference.

Observers

17. In addition to the observer delegation mentioned in the brief report of the Chairman of the Governing Body, an observer delegation from the Democratic People's Republic of Korea is attending the Conference.

Organizations and liberation movement invited

18. The Conference is also being attended by:

- representatives of the United Nations and some of its organs invited by virtue of Article II, paragraph (1) – relating to reciprocal representation of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;
- representatives of specialized agencies and other official international organizations, invited in conformity with Article 2, paragraph 3(b), of the Standing Orders of the Conference;
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of a liberation movement invited in conformity with Article 2, paragraph 3(k), of the Standing Orders of the Conference.

19. A list of these representatives is appended to the List of Delegations published as a Supplement to the Provisional Record of the Conference.

Objections

20. To date, the Committee has before it a number of objections or communications concerning the credentials of certain delegates and advisers. It has forthwith commenced its examination. The Committee considers that its work has been facilitated by the presentation of a substantial number of credentials by the beginning of the Conference. It is also important that governments utilise the suggested form for credentials of delegates, enclosed with the letter of convocation and the Memorandum communicated to governments every year prior to the session of the Conference. In order to comply with article 3, paragraph 5 of the Constitution, it would be necessary that Governments provide exact information on the employers' and workers' organizations consulted in nominating Employers' and Workers' delegates and advisers as well as on the organizations which have agreed to such nominations.

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[1] i.e., half the total number of registered delegates (492), after adding 53 substitute delegates and subtracting the number of delegates not entitled to vote on account of arrears (60) and the number of incomplete non-governmental delegations (7).

21. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 5 June 1997

(Signed) Matti Salmenperä
Chairman

Daniel Funes de Rioja

Charles Gray

1) Government delegates
2) Government advisers
3) Employers' delegates
4) Employers' Advisers
5) Workers' delegates
6) Workers' Advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	1	-	-	-	-	-
Albania	1	1	-	-	-	-
Algeria	1	5	1	2	-	2
Angola	-	1	-	1	-	-
Antigua and Barbuda	-	-	-	-	-	-
Argentina	2	3	-	9	1	2
Armenia	-	-	-	-	-	-
Australia	2	2	1	-	1	-
Austria	2	7	1	1	-	2
Azerbaijan	-	-	-	-	-	-
Bahamas	2	-	1	-	1	1
Bahrain	2	4	1	-	1	2
Bangladesh	2	4	1	1	1	1
Barbados	2	-	1	-	1	-
Belarus	2	1	1	-	1	1
Belgium	2	12	1	5	-	8
Belize	1	-	1	-	1	-
Benin	2	-	1	-	1	3
Bolivia	2	1	1	1	-	-
Bosnia and Herzegovina	2	-	-	-	-	-
Botswana	2	3	1	-	1	-
Brazil	-	10	1	5	1	6
Bulgaria	1	4	1	2	1	4
Burkina Faso	2	1	1	1	1	3
Burundi	-	-	-	-	-	-
Cambodia	2	-	1	-	1	-
Cameroon	1	2	1	1	1	3
Canada	2	5	1	5	1	6
Cape Verde	2	-	1	-	1	-
Central African Republic	-	-	-	-	1	-
Chad	1	1	-	-	1	-
Chile	2	9	1	6	1	10
China	2	15	1	3	1	6
Colombia	2	6	-	4	1	8
Comoros	-	-	-	-	-	-
Congo	1	7	-	-	-	-
Costa Rica	2	2	1	-	1	1
Côte d'Ivoire	2	5	1	2	1	4
Croatia	1	2	1	-	1	-
Cuba	2	4	1	-	1	-
Cyprus	2	3	-	2	-	3
Czech Republic	2	5	1	2	-	3
Democratic Repubic of the Congo	1	-	-	-	-	-
Denmark	2	4	1	2	-	5
Djibouti	2	-	-	-	-	-
Dominica	-	-	-	-	-	-
Dominican Republic	2	4	1	6	1	6
Ecuador	2	4	1	-	1	3
Egypt	2	5	-	4	1	7
El Salvador	1	4	1	-	1	-
Equatorial Guinea	2	-	-	-	-	-
Eritrea	1	-	-	-	-	-
Estonia	2	2	1	-	1	-
Ethiopia	2	2	1	-	1	-
Fiji	2	-	1	1	1	-
Finland	2	5	1	4	1	6
France	2	8	1	7	1	9
Gabon	1	5	1	1	1	2
Gambia	2	-	-	-	-	-
Georgia	1	-	-	-	-	-
Germany	-	8	1	6	-	6
Ghana	2	2	1	3	1	5
Greece	2	12	-	4	1	10
Grenada	-	-	-	-	-	-
Guatemala	-	2	1	1	1	1
Guinea	2	3	1	1	1	2
Guinea-Bissau	2	-	-	-	-	-
Guyana	-	-	-	-	-	-
Haiti	2	4	1	-	1	-
Honduras	2	-	1	-	1	-
Hungary	2	9	1	7	1	4
Iceland	2	3	1	-	1	-
India	2	8	1	5	1	6
Indonesia	2	14	-	10	-	8
Islamic Republic of Iran	2	5	1	1	1	6
Iraq	2	1	1	-	1	-
Ireland	2	6	-	-	1	1
Israel	2	8	-	1	-	1
Italy	1	7	1	4	1	4
Jamaica	2	4	1	-	1	-
Japan	2	20	1	5	1	10
Jordan	2	5	-	2	1	2
Kazakstan	2	-	-	-	-	-
Kenya	2	3	1	1	1	-
Republic of Korea	2	12	-	5	-	4
Kuwait	2	8	1	2	1	4
Kyrgyzstan	2	-	-	-	-	-
Lao People's Dem. Rep	2	-	-	-	1	1
Latvia	-	-	1	-	1	2
Lebanon	2	8	1	2	1	4
Lesotho	2	2	1	-	-	-
Liberia	-	-	-	-	-	-
Libyan Arab Jamahiriya	2	6	1	1	-	3
Lithuania	2	1	1	-	1	-
Luxembourg	1	7	1	1	1	4
Madagascar	2	3	1	-	1	-
Malawi	1	2	1	-	1	-
Malaysia	2	8	-	2	1	3
Mali	2	2	-	1	-	-
Malta	2	3	1	3	1	3
Mauritania	1	-	1	-	1	-
Mauritius	2	-	1	-	1	1
Mexico	2	3	-	2	1	2
Republic of Moldova	2	2	1	1	1	1
Mongolia	2	2	1	1	1	1
Morocco	1	5	1	2	-	6
Mozambique	2	2	-	-	1	-
Myanmar	2	10	1	-	1	-
Namibia	1	5	1	1	1	1
Nepal	2	1	1	-	1	-
Netherlands	1	10	1	4	1	5
New Zealand	2	3	1	1	1	1
Nicaragua	2	2	1	-	1	1
Niger	2	3	1	-	1	1
Nigeria	-	4	1	4	-	-
Norway	2	5	1	5	1	5
Oman	2	4	1	-	1	-
Pakistan	1	2	1	-	1	-
Panama	2	3	1	1	1	1
Papua New Guinea	2	2	1	-	1	-
Paraguay	2	3	1	-	1	3
Peru	2	2	1	3	-	-
Philippines	2	16	1	5	1	6
Poland	2	8	-	5	-	6
Portugal	2	9	-	5	-	5
Qatar	2	4	1	-	1	-
Romania	2	3	1	1	1	7
Russian Federation	2	14	1	5	1	7
Rwanda	-	-	-	-	-	-
Saint Kitts and Nevis	-	-	-	-	-	-
Saint Lucia	-	-	-	-	-	-
Saint Vincent and the Grenadines	-	-	-	-	-	-
San Marino	2	1	-	2	1	1
Sao Tome and Principe	-	-	-	-	-	-
Saudi Arabia	2	5	1	-	1	1
Senegal	-	7	-	1	1	2
Seychelles	2	1	1	-	1	-
Sierra Leone	-	-	-	-	-	-
Singapore	2	5	1	-	1	8
Slovakia	2	11	1	4	1	4
Slovenia	1	1	-	1	-	1
Solomon Islands	-	-	-	-	-	-
Somalia	-	-	-	-	-	-
South Africa	2	5	1	6	1	2
Spain	2	8	1	8	1	7
Sri Lanka	2	6	1	-	1	4
Sudan	2	6	1	1	1	3
Suriname	2	-	1	-	1	-
Swaziland	2	-	1	1	1	1
Sweden	1	5	1	4	1	4
Switzerland	2	7	1	5	1	3
Syrian Arab Republic	2	4	1	2	1	2
Tajikistan	-	-	-	-	-	-
United Republic of Tanzania	-	4	1	-	-	1
Thailand	2	7	1	5	1	5
The Former Yugos.Rep. of Macedonia	1	4	1	-	1	-
Togo	2	-	1	-	1	1
Trinidad and Tobago	1	3	1	1	1	1
Tunisia	2	6	1	3	1	3
Turkey	2	14	1	8	1	9
Turkmenistan	-	-	-	-	-	-
Uganda	1	6	1	-	1	-
Ukraine	2	1	-	2	1	1
United Arab Emirates	1	2	1	1	-	2
United Kingdom	2	13	1	4	1	6
United States	2	12	1	7	1	9
Uruguay	-	3	1	4	1	1
Uzbekistan	-	-	-	-	-	-
Venezuela	2	6	1	2	1	3
Viet Nam	2	2	1	1	1	1
Yemen	2	2	1	1	1	1
Yugoslavia	-	-	-	-	-	-
Zambia	2	3	1	4	1	-
Zimbabwe	2	5	1	-	1	-

	1)	2)	3)	4)	5)	6)
Total	258	648	117	272	117	358

Second report of the Credentials Committee

Composition of the Conference

1. Since 5 June 1997, when the Committee adopted its first report, there have been changes in the composition of the Conference. The delegation of Lesotho is fully tripartite now that the Workers' delegate has been nominated. The Democratic Republic of the Congo, whose delegation was exclusively governmental, has nominated a Workers' delegate but not an Employers' delegate, while Gambia has nominated an Employers' delegate but not a Workers' delegate. It is also interesting to note that among the 174 Member States of the Organization, 143 Ministers of Labour will have taken part this year at the Conference. The total number of delegates and advisers accredited to the Conference is 2285, of which 2019 have registered to date. Details concerning the number of delegates and advisers who are registered at the Conference at this time is contained in the annex to this report.

Objection concerning the nomination of the Workers' delegation of Brazil

2. The Committee had before it an objection to the nomination of the Workers' delegation of Brazil submitted by the *Central Geral dos Trabalhadores* (CGT-Brasil). The objecting organization considered that it had been marginalized by the Government as far as the ILO Conference was concerned, although it had participated in the Ministerial Conference of the World Trade Organization in Singapore. The objecting organization considered that it should have been included in the Workers' delegation to the Conference.

3. In a written communication to the Committee made at its request, the substitute Government delegate of Brazil indicated that her Government did not intervene in the nomination of the Employers' and Workers' delegation to the Conference and that the Ministry of Labour transmitted to them every year the convocation to the Conference received by the Government from the ILO. The last attempt by the Government to include a representative from the CGT-Brazil in the Workers' delegation at the 1993 Conference had been categorically opposed by the other trade union centres on the ground that the CGT-Brazil did not fulfil the criteria for being a representative organization. She referred to a similar case examined by the Committee at the June Session of the Conference last year which had been rejected for lack of evidence. She concluded that the nomination had been made in accordance with the consultation procedures provided for in Article 3, paragraph 5 of the Constitution and had taken into account the recommendations of the Committee on Freedom of Association of the Governing Body according to which the determination of the most representative trade unions should always be based on objective and pre-established criteria so as to avoid any opportunity for partiality or abuse.

4. Responding orally to questions asked by the Committee, Mrs. Gomes dos Santos, Director of International Relations of the Ministry of Labour, accompanied by a member of her delegation, stated that she did not have available all the necessary data, and that in any event, it was difficult to quantify the representative character of each of the central organizations considering that the number of trade unions belonging to a central organization or the total number of their affiliated members did not necessarily reflect their representative character. She referred, for example, to an independent sectoral trade union at the regional level in Brazil which was one of the largest trade unions in terms of numbers in all of Latin America. Of the six central organizations in Brazil, three were represented in the tripartite national councils, (*Confederacão Geral dos Trabalhadores* (CGT), *Central Força Sindical* and *Central Unica dos Trabalhadores* (CUT)) because of their representative character which was confirmed by their affiliation to international organizations like the ICFTU and ORIT. In response to a question concerning the consultation procedure followed, the representative of the Government of Brazil explained that the central trade union organizations decided among themselves on the composition of the Workers' delegation and that the role of the Government was limited to nominating the persons proposed by them. Since the return to democracy in Brazil, the Government no longer interfered in the nominations. She added that the inclusion on two occasions of a representative of the objecting organization in the Workers' delegation had been politically motivated and did not reflect its representative character.

5. The Committee noted that the objecting organization had not presented any evidence in support of its objection. It had not even provided any evidence that it had protested to the Government concerning its non-inclusion in the Workers' delegation. In the absence of any data from the objecting organization concerning its representative character, the Committee decided not to uphold the objection.

6. At the same time, the Committee considered that it was the Government's obligation to nominate the Workers' delegation in consultation with the most representative Workers' organizations in the country. The Government could not simply leave the nomination to the organizations concerned. In order to be able to take a decision on such nomination, the Government must be able to apply criteria to determine the representative character of the organizations. In this regard, the Committee recalled the conclusions reached by the Credentials Committee on last year's objection to the Workers' delegation of Brazil, in which it had referred to the duty of the Government to take all reasonable steps to evaluate the representative character of the different organizations.

Objection concerning the nomination of the Workers' delegate of Cape Verde

7. The Committee had before it an objection to the nomination of the Workers' delegate of Cape Verde submitted by the *União Nacional dos Trabalhadores de Cabo Verde - Central Sindical* (UNTC-CS). The objecting organization maintained that since May 1994 the government had unilaterally decided upon a rotation system with regard to the participation of the Workers' delegation to the International Labour Conference. An independent survey had been conducted by a research company which showed that the UNTC-CS represented 85 per cent of unionized workers in the country while the *Confederação Caboverdiana dos Sindicatos Livres* (CCSL) represented only 15 per cent of such workers. The Government had not contested the survey and in view of the considerable difference in terms of affiliated members between the two trade union centres, the titular Workers' delegated should have come from the UNTC-CS.

8. In a written statement to the Committee made at its request, Mr. José Antonio Mendes Dos Reis, Deputy Minister to the Prime Minister and Head of the Delegation to the Conference, stated that prior to 1990 the trade union organizations had been a creation of the one-party regime. Since the return to democracy in 1991, two trade union centres and a number of independent trade unions had been established in the country. The reply indicated that there were no reliable data concerning the representative character of the two centres and that each claimed to be the most representative in the country. Both centres were represented on the Social Coordination Council and the National Council on Employment and Training. Both of them were consulted on the nomination of the Workers' delegation and direct negotiations had taken place on 15 April 1997 but no agreement had been reached between them on a rotation system. Since 1994, the Government had observed the inability of the two centres to reach an agreement and had decided to nominate the delegate from each of the centres on an alternating basis. Considering that the conflict was between the two centres and not between them and the Government, the Deputy Minister requested the ILO to act as a mediator.

9. Responding orally to questions asked by the Committee, Mr. Carlos Gonçalves, Director General of Labour and Government delegate to the Conference, explained that although his Government knew of the existence of the private survey, there were reasons to doubt its validity. The survey had been commissioned by the UNTC-CS and had only covered the two main islands and not islands where the hotel industry was in the development stage and the least developed ones in which agriculture was the primary activity. Furthermore, the survey excluded some sectors of the labour force of the country, such as the civil service which is made up of 12,000 employees in a country of approximately 310,000 inhabitants. Due to the absence of an agreement between the two centres and the financial limitations of the Government to send a representative from each organization every year, the Government had nominated a representative from only one centre as the Workers' delegate. The Government was prepared to carry out a study on the representative character of the centres, but it had in the meantime concentrated its efforts, although unsuccessfully, on trying to get the two centres to reach an agreement on rotation in order that they could participate in the International Labour Conference.

10. The Committee considered that in order to meet the obligation of Article 3, paragraph 5 of the Constitution, the Government needed to evaluate the representative character of the various centres in the country, especially in those cases where there was no agreement between the organizations concerned. It was however encouraged by the constructive attitude of the Government and, in particular, its efforts to get the two centres to reach an agreement and its willingness to proceed with an evaluation of their representive character. Taking these considerations into account as well as the absence of reliable information, the Committee decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegate of Peru

11. The Committee had before it an objection to the nomination of the Workers' delegate of Peru submitted by Mr. J.L. Risco Montalván and Mr. J.J. Gorritti Valle, President and General Secretary respectively of the *Confederación General de Trabajadores de Perú* (CGTP). The objecting organization stated that the Government of Peru had vetoed Mr. Gorritti Valle as Workers' delegate thereby ignoring the proposal made by the central trade union organizations in Peru which had unanimously proposed his name, in a letter dated 27 May 1997. The decision of the Government not to include the CGTP, which was the largest central organization in the country, in the Workers' delegation of Peru was politically motivated. Because of the failure to take into account the unanimous proposal of the trade union movement of Peru, the nomination of the Workers' delegate was not in accordance with the Constitution and principles of the ILO.

12. In a written communication to the Committee made at its request, Mr. Jorge González Izquierdo, Minister of Labour and Social Promotion, stated that by letters of 14 May 1997 his Ministry had requested all the registered national Workers' confederations that were not affected by internal conflicts and whose Governing Bodies were duly established to provide three names of candidates for nomination as Workers' delegate to the 85th Session of the Conference. These confederations comprised the objecting organization, together with the *Central Autónoma de Trabajadores* (CATP), the *Confederación de Trabajadores Democráticos del Perú* (CTDP) and the *Confederación Sindical Nacional* (CSN). The objecting organization had

submitted only one name. The others had each submitted three names, and the Workers' delegate had been nominated from the list proposed by the CATP. The Minister added that a *Coordinadora de Centrales Sindicales*, which brought together the objecting organization, the CATP, the *Confederación de Trabajadores del Perú* (CTP) and two other organizations had, on 19 May, made its own proposal for the Workers' delegation: a representative of the CTP as delegate and two representatives of the objecting organization and one representative of the CATP as advisers. The *Coordinadora* was not registered with the administrative authority and the delegate whom it had proposed belonged to an organization facing an unresolved internal conflict. The *Coordinadora* had sent a new communication to the Ministry (the letter of 27 May attached to the objection) proposing a representative of the objecting organization as delegate, but by that time it had been too late to modify the terms of the *Resolución Suprema* adopted on 1 June 1997 approving the composition of the delegation.

13. Clarifications requested by the Committee were provided orally by Ms. R. Tincopa, Government delegate of Peru. She confirmed that the various Workers' organizations could not be compelled to provide figures concerning the number of their members, although certain minimum numbers were established for the purposes of recognition. She also confirmed that there had in practice been a system of rotation which could not be applied this year, because the organization whose turn it was to propose the Workers' delegate was in a state of internal conflict. Because of similar conflicts, the delegate proposed in the first communication of the *Coordinadora* could not be nominated, and its second communication had arrived too late. The selection had therefore been made from one of the organizations that had provided three names as requested.

14. The Committee considered that, faced with the inapplicability of the rotation system, the Government should have based its decision on a comparison of the representative character of each of the organizations concerned, and regretted that the Government apparently applied no criteria for assessing representativity. It was surprised by the absence of figures concerning the number of members covered by the organizations or even of the unions affiliated to them, as it was clearly in the interest of the organizations to provide information of this kind in order for their relative representativity to be recognized. In the absence of such data, one possibility would have been to adhere to the rotation system as closely as possible, but this had clearly not been done as the Workers' delegate was the same person as at last year's Conference in June, and the choice this year should logically have fallen on the objecting organization. The Committee concluded that the procedure for the nomination of the Workers' delegate had not been in conformity with Article 3, paragraph 5, of the Constitution. It did not however propose invalidation of his credentials as there was no basis for determining the representative strength of the various Workers' organizations in Peru.

Objections concerning the nomination of the Employers' delegate of Suriname

15. The Committee had before it objections concerning the nomination of the Employers' delegate of Suriname, submitted by the Suriname Trade and Industry Association (VSB) and by the Employers' Group of the Conference. According to the objections, the Government had ignored the candidate of the VSB in favour of a candidate from the Suriname Manufacturers' Association (ASFA), which could not be considered to be the most representative organization if regard were had to such factors as number of workers covered, the contribution to GDP and the position of the VSB as the central employers' organization representing all sectors of Suriname's economy. In a letter of 21 May 1997 to the Minister of Labour, reproduced as an attachment to the VSB's objection, the VSB had referred to a previous proposal by it for the rotation of the nomination between ASFA and itself, which was no longer valid due to ASFA's rejection of it. The objectors therefore requested invalidation of the credentials concerned.

16. In a written communication sent to the Committee at its request, Mr. E.G. Snijders, Minister of Labour and head of the delegation of Suriname, stated that he had consulted both ASFA and VSB on the nomination of an Employers' delegate, appealing to their boards to agree on a nomination. The VSB, however, had refused to discuss the matter. In the absence of any agreement by 21 May, two days after the deadline for submitting credentials, he had appointed the nominee of ASFA having regard to the solution for rotation that had been found four years before. Last year the Employers's delegate had been proposed by the VSB.

17. At the Committee's request further information was provided to it by the Minister of Labour, orally. On the question of the comparative representativity of the two Employers' organizations, the Minister stressed that both had been treated at the same level, as they both played a very important role in economic activity: VSB (which several years ago had been the only representative Employers' organization) included about 250 companies in its membership; and ASFA, about 175 companies. VSB was controlled by a few big companies, in mining and banking, whereas ASFA covered local industry. It should be noted that the Employers' delegate, who had also been nominated as Employers' delegate in 1995, was a member of both organizations. The Government believed in joint development and hoped that the two organizations could agree on a single candidate. However, eventually time constraints had forced the Government to make a choice, and it had done so on the basis of the rotation solution. In this connection, the Minister confirmed that the Board of ASFA had not signified its acceptance of a proposal for a rotation system of this kind.

18. The Committee considered that the Government had acted in conformity with Article 3, paragraph 5, of the ILO Constitution in so far as it had encouraged the two organizations to seek agreement on the nomination of the Employer's delegate. However, when it had become clear that no agreement could be reached, the Government should not have based its decision on the rotation solution. As credentials committees had consistently stated, while a system of rotation could be a useful method for obtaining the agreement of the most representative organizations on the composition of the Employers' or Workers' delegation, it should under no circumstances be imposed by

the Government. Since no such agreement was in force in the present case, the Government should have appointed the Employers' delegate in agreement with the more representative of the two organizations, which - in the absence of more detailed information on such questions as the number of workers covered by each organization - appeared to be the VSB.

19. While the Committee consequently had serious doubts as to the validity of the credentials of the Employers' delegate, it decided not to propose invalidation this year having regard to the contacts made by the Government to obtain agreement between the VSB and ASFA and trusting that the present selection process would be corrected so as to conform to the ILO Constitution.

Late objection concerning the nomination of the Workers' delegation of Togo

20. The Committee received an objection from the *Union nationale des syndicats indépendants du Togo* (UNSIT) concerning the nomination of the Workers' delegation of Togo. The names of the members of that delegation appeared in the Provisional List published as a supplement to the *Provisional Record* of 3 June 1997. Since this communication was received by the Office on 10 June, and therefore after the 72-hour time-limit provided for in Article 26, paragraph 4(a) of the Conference Standing Orders, the Committee agreed that it was not receivable.

Communication concerning the nomination of the Workers' delegation of New Zealand

21. The Committee took note of a letter addressed to the ILO Director-General by the New Zealand Trade Union Federation, criticizing the nomination of the Workers' delegation of New Zealand, but stating that the Federation did not wish to formally challenge the credentials of the Workers' representatives from New Zealand. Accordingly, the Committee considered that it had no competence to treat it as an objection and therefore abstained from expressing an opinion on its substance.

22. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 13 June 1997

(Signed) Matti Salmenperä
Chairman

Daniel Funes de Rioja

Charles Gray

1) **Government delegates**
2) **Government advisers**
3) **Employers' delegates**
4) **Employers' Advisers**
5) **Workers' delegates**
6) **Workers' Advisers**

List of registered delegates and advisers

	1)	*2)*	*3)*	*4)*	*5)*	*6)*
Afghanistan	1	.	.	.	.	.
Albania	2	1	1	1	1	.
Algeria	1	10	1	4	.	2
Angola	2	2	.	2	1	2
Antigua and Barbuda	.	.	.	.	.	.
Argentina	2	4	.	10	1	5
Armenia	.	.	.	.	.	.
Australia	2	2	1	.	1	.
Austria	2	6	1	2	.	3
Azerbaijan	.	.	.	.	.	.
Bahamas	2	.	1	.	1	1
Bahrain	2	4	1	.	1	2
Bangladesh	2	4	1	1	1	1
Barbados	2	.	1	.	1	.
Belarus	2	1	1	.	1	2
Belgium	2	16	1	6	.	10
Belize	1	.	1	.	1	.
Benin	2	1	1	.	1	3
Bolivia	2	1	1	1	1	.
Bosnia and Herzegovina	2	.	.	.	.	.
Botswana	2	3	1	.	1	.
Brazil	2	10	1	6	1	6
Bulgaria	1	5	1	2	1	5
Burkina Faso	2	3	1	1	1	3
Burundi	2	.	1	.	1	.
Cambodia	2	.	1	.	1	.
Cameroon	1	2	1	1	1	5
Canada	2	8	1	6	1	7
Cape Verde	2	.	1	.	1	.
Central African Republic	1	2	1	.	1	.
Chad	1	1	.	.	1	.
Chile	2	9	1	6	1	10
China	2	15	1	3	1	6
Colombia	2	12	.	6	1	10
Comoros	.	.	.	.	.	.
Congo	1	7	.	.	.	.
Costa Rica	2	2	1	.	1	1
Côte d'Ivoire	2	5	1	2	1	4
Croatia	1	2	1	.	1	.
Cuba	2	4	1	.	1	.
Cyprus	2	5	1	6	1	5
Czech Republic	2	6	.	3	1	3
Democratic Repubic of the Congo	1	.	.	.	1	1
Denmark	2	5	1	3	1	7
Djibouti	2	.	.	.	.	.
Dominica	.	.	.	.	.	.
Dominican Republic	2	2	1	3	1	4
Ecuador	2	4	1	.	1	3
Egypt	2	8	.	4	1	8
El Salvador	1	4	1	.	1	.
Equatorial Guinea	2	2	.	.	.	.
Eritrea	1	.	.	.	.	.
Estonia	2	3	1	.	1	.
Ethiopia	2	2	1	.	1	.
Fiji	2	.	1	1	1	.
Finland	2	5	1	4	1	6
France	2	11	1	8	1	9
Gabon	2	6	1	1	1	2
Gambia	2	.	.	.	.	.
Georgia	1	.	.	.	.	.
Germany	2	8	1	6	1	7
Ghana	2	2	1	4	1	5
Greece	2	13	.	6	1	10
Grenada	.	.	.	.	.	.
Guatemala	1	3	1	1	1	1
Guinea	2	3	1	1	1	2
Guinea-Bissau	2	.	.	.	.	.
Guyana	.	.	.	.	.	.
Haiti	2	4	1	.	1	.
Honduras	2	.	1	.	1	.
Hungary	2	9	1	7	1	6
Iceland	2	3	1	1	1	1
India	2	9	.	6	1	6
Indonesia	2	14	1	10	1	10
Islamic Republic of Iran	2	5	1	1	1	6
Iraq	2	1	1	.	1	.
Ireland	2	6	.	1	1	1
Israel	2	8	1	1	1	3
Italy	2	8	1	5	1	6
Jamaica	2	4	1	.	1	.
Japan	2	20	.	5	1	10
Jordan	2	6	1	3	1	2
Kazakstan	2	.	.	.	1	.
Kenya	2	3	1	1	1	.
Republic of Korea	2	12	1	6	1	6
Kuwait	2	6	1	2	1	4
Kyrgyzstan	2	.	.	.	.	.
Lao People's Dem. Rep.	2	.	.	.	1	1
Latvia			1	.	1	2
Lebanon	2	10	1	3	1	5
Lesotho	2	2	1	.	1	.
Liberia		.	.	.	.	.
Libyan Arab Jamahiriya	2	6	1	1	1	3
Lithuania	2	1	1	.	1	
Luxembourg	2	12	1	3	1	8
Madagascar	2	3	1	.	1	
Malawi	2	2	1	.	1	.
Malaysia	2	9	1	2	1	3
Mali	2	2	1	1	.	.
Malta	2	3	1	3	1	4
Mauritania	2	.	1	.	1	.
Mauritius	2	4	1	.	1	1
Mexico	2	4	1	3	1	4
Republic of Moldova	2	2	1	1	1	1
Mongolia	2	2	.	1	1	1
Morocco	2	6	.	2	1	6
Mozambique	2	2	1	.	1	.
Myanmar	2	10	1	.	1	.
Namibia	1	7	1	1	1	1
Nepal	2	1	1	.		.
Netherlands	1	11	1	5	1	6
New Zealand	2	3	1	1	1	1
Nicaragua	2	2	1	.	1	1
Niger	2	3	1	1	1	2
Nigeria	1	7	1	5	.	.
Norway	2	5	1	7	1	7
Oman	2	4	1	.	1	.
Pakistan	1	3	1	.	1	.
Panama	2	3	1	1	1	1
Papua New Guinea	2	2	1	.	1	.
Paraguay	2	4	1	.	.	3
Peru	2	2	1	3	1	.
Philippines	2	20	1	5	1	6
Poland	2	8	1	5	.	6
Portugal	2	10	1	6	1	7
Qatar	2	4	1	.	1	.
Romania	2	3	1	2	1	8
Russian Federation	2	14	1	7	1	7
Rwanda	1	.	.	.	.	.
Saint Kitts and Nevis	.	.	.	.	.	.
Saint Lucia	.	.	.	.	.	.
Saint Vincent and the Grenadines	.	.	.	.	.	.
San Marino	2	2	.	5	1	3
Sao Tome and Principe	2	.	.	.	1	.
Saudi Arabia	2	5	1	.	1	1
Senegal	2	10	1	4	1	8
Seychelles	2	1	1	.	1	.
Sierra Leone	.	.	.	.	.	.
Singapore	2	5	1	.	1	9
Slovakia	2	11	1	5	1	4
Slovenia	2	3	1	1	1	1
Solomon Islands	.	.	.	.	.	.
Somalia	.	.	.	.	.	.
South Africa	1	7	1	7	1	4
Spain	2	8	1	9	1	8
Sri Lanka	2	6	1	.	1	5
Sudan	2	6	1	1	1	3
Suriname	2		1	.	1	.
Swaziland	1		1	1	1	1
Sweden	1	5	1	5	1	4
Switzerland	2	7	1	6	1	3
Syrian Arab Republic	2	4	1	2	1	2
Tajikistan	1	.	.	.	1	.
United Republic of Tanzania	.	5	1	.	.	1
Thailand	2	7	1	5	1	5
The Former Yugos.Rep. of Macedonia	.	4	1	.	1	.
Togo	2	.	1	.	1	1
Trinidad and Tobago	2	4	1	1	1	1
Tunisia	2	6	1	4	1	3
Turkey	2	14	1	10	1	10
Turkmenistan			.	.	.	.
Uganda	2	5	1	.	1	.
Ukraine	2	2	.	2	1	1
United Arab Emirates	1	3	1	1	1	1
United Kingdom	2	14	1	4	1	6
United States	2	13	1	7	1	9
Uruguay	2	4	1	4	1	1
Uzbekistan	.	.	.	.	.	.
Venezuela	2	6	1	2	1	6
Viet Nam	2	2	1	1	1	1
Yemen	2	2	1	2	1	1
Yugoslavia		.	.		.	.
Zambia	2	3	1	4	1	.
Zimbabwe	2	5	1	.	1	.

	1)	2)	3)	4)	5)	6)
Total	284	729	127	322	137	420

Third report of the Credentials Committee

Composition of the Conference

1. Since 13 June 1997, when the Committee adopted its second report, there has been no change in the total number of member States represented at the Conference. The number of delegates and advisers who have registered at the Conference at this time is contained in the table annexed to this report. To date, a total number of 2283 delegates and advisers are accredited to the Conference with 2025 having been registered at this time.

Objection concerning the nomination of a Workers' adviser of Bangladesh

2. The Committee had before it an objection to the nomination of one of the advisers in the Workers' delegation of Bangladesh. It was signed by Mr. Sadaquatual Bari, in the capacity of President of the Bangladesh Workers' Federation (BWF). According to the objection, Mr. Kutub Uddin Ahmed, who had been nominated by the Government as Workers' adviser was using the name of the BWF and the title of General Secretary, although he had no right to represent the BWF as he had been expelled for engaging in activities against that organization, its constitution and the interests of workers. He had managed to ensure his inclusion in the Workers' delegation by manipulation. His credentials should be declared invalid.

3. In a preliminary written response to the Committee's request for information, Mr. Shahidul Islam, substitute Government delegate, stated that the BWF had been registered in 1992 with Mr. Kutub Uddin Ahmed as General Secretary. On 29 December 1995 the Central Committee of the BWF had divided into two groups, one had Mr. Kutub Uddin Ahmed as General Secretary, and the other had Mr. Sadaquatual Bari as President. When the Government had held consultations on the nomination of a Workers' adviser, Mr. Kutub Uddin Ahmed's group had replied without any objection from Mr. Sadaquatual Bari. The objector's committee was not recognized by the Registration Authority as it had changed its address without the Authority's approval, which was not the case with the group headed by the Workers' adviser.

4. Having been unable to obtain information from any other source, the Committee considered that it could not reach any conclusions in this unsettled situation. It therefore decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegation of Guinea

5. The Committee had before it an objection concerning the nomination of the Workers' delegation of Guinea, submitted by the *Union Syndicale des Travailleurs de Guinée* (USTG). The objecting organization alleged that, although it was the most representative Workers' organization in the country, the Government had arbitrarily excluded it from the Workers' delegation. During the preparatory meeting held on 8 May 1997 under the chairmanship of the Minister of Employment and the Civil Service, it had been decided that three trade union centres, including the USTG, would be represented at the International Labour Conference. At the last minute, because of its support for the teachers' strike in April 1997, the Government had decided to exclude the USTG from the delegation.

6. In a written communication sent to the Committee at its request, Mr. Germain Doualamou, Minister of Employment and the Civil Service, explained that in conformity with the constitutional obligations, the Government had nominated the Workers' delegate in agreement with the most representative Workers' organization, the *Confédération Nationale des Travailleurs de Guinée* (CNTG). In order to increase the representativity of the delegation, he had taken the initiative to nominate advisers from two other central trade union organizations. This practice of nominating one or two advisers, within the limits of the financial resources available, had been followed since 1995. The USTG had participated in the Conference in 1996, but this year the choice had fallen on other central trade union organizations.

7. For lack of further evidence, the Committee could not accept the USTG's claim that it was the most representative Workers' organization in Guinea. Over the past years, the CNTG had provided the Workers' delegate without any other organization claiming to be more representative than it. At the same time the Committee had doubts as to whether the Government had applied any criteria to assess the representativity of the organizations to be consulted on the nominations and as to whether such organizations had in fact been consulted, especially as far as the advisers were concerned. Since, however, there was no corroboration of the existence of the claimed agreement of 8 May that the delegation should include the USTG, the Committee decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegation of India

8. The Committee had before it an objection to the nomination of the workers' delegation of India submitted by the National Front of Indian Trade Unions (NFITU). According to the objecting organization, a consensus had been reached among the trade union organizations according to which the titular delegate would come from the *Bhartiya Mazdoor Sangh* (BMS), which had the largest verified membership, while seven advisers would be selected from the remaining seven recognized central trade union organizations (CTUOs). Since the Government had only nominated five advisers from four CTUOs, it had acted in violation of the consensus and thereby discriminated against the NFITU and the two other CTUOs.

9. In a written communication to the Committee made at its request, Mr. P.M. Sirajuddin, Director, Ministry of Labour, provided statistical data on the verified membership of the central trade union organizations in the country. He indicated that the Government had consulted as many central trade union organizations as possible and had invited eight of them (representing 80 percent of trade union membership in the country) to a meeting on 13 May to decide on the composition of the Workers' delegation to the Conference as the trade unions had not provided the Government with an agreed list of their representatives. The trade unions had been informed that the delegation should be comprised of one titular delegate and five advisers. In response to a request made at the 13 May meeting, the Government had agreed to include six advisers. The delegate and one adviser had come from *Bhartiya Mazdoor Sang*, which had the largest trade union membership; two advisers had been nominated from the second largest organization – the Indian National Trade Union Congress – while the remaining three advisers had been nominated from among the next three largest central trade union organizations. He thus concluded that the Government had undertaken the consultations required under the ILO Constitution.

10. Noting the absence of any evidence to substantiate the objecting organization's claim that there were to be seven advisers, chosen from different central trade union organizations, and of any other evidence concerning an agreement on the precise composition of the Workers' delegation, the Committee concluded that the delegation had been nominated in accordance with article 3, paragraph 5, of the ILO Constitution and accordingly decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegation of Lebanon

11. The Committee had before it an objection concerning the nomination of the Workers' delegation of Lebanon submitted by the *Confédération Générale du Travail au Liban* (CGTL). The objecting organization alleged that the Government had formed an "official" delegation composed of members imposed on the CGTL with police force during a rigged electoral scenario on 24 April 1997. In addition, the Minister of Labour had refused to receive a letter from the CGTL proposing names for the Workers' delegation at the International Labour Conference. The objecting organization contested the nomination and the representative character of the "official" delegation. The CGTL was the sole organization that was representative of workers in Lebanon. It had a legitimate and elected leadership, headed by Mr. Elias Abou Rizk, which was recognized by all Arab and international instances.

12. In a written communication made to the Committee at its request, Mr. Samir Aoun, Head of the Lebanese delegation at the Conference, confirmed that the CGTL was the most representative Workers' organization in Lebanon. However, on 24 April 1997 the CGTL had elected a new Executive Bureau. This election had been contested by a minority of members, represented by the former President of the CGTL, who claimed that the authorities had intervened in the election. They had brought proceedings in the national courts for the suspension of the election, which had been dismissed. The legitimate leadership of the CGTL had then brought criminal proceedings against Mr. Abou Rizk for usurping the title of President and for seizing authority. The Government had complied with the ILO Constitution, by appointing the Workers' delegation in agreement with the most representative organization. Indeed, it had gone further by asking the CGTL, represented by its legitimate leadership, to name the Workers' delegates and advisers. The Government submitted supporting documentation and requested the Committee to reject the objeection, because it was in violation of Article 3, paragraph 5, of the ILO Constitution, and the relevant Lebanese law.

13. Having regard in particular to the proceedings that had recently been instituted in the national courts, the Committee considered that it could not reach any conclusions in this unsettled situation. It therefore decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegation of Chad

14. The Committee had before it an objection concerning the nomination of the Workers' delegation of Chad submitted by the *Confédération Syndicale du Tchad* (CST). The objecting organization stated that the Government had consulted only one Workers' organization, and had made its nomination from that organization, without consulting the two other central trade union organizations, which included the CST. At the time when there had been five central trade union organizations, the Minister of Labour had used two methods: either he requested the organizations to meet with a view to reaching consensus on a Workers' delegate; or each central trade union organization participated on a rotation basis. The present practice of the Government to designate members of the same central trade union organization to participate each year in the Conference imposed a *de facto* monopoly to the detriment of freedom of association and trade union democracy. Furthermore, no criteria had been established for defining the concept of most representative Workers' organization. The objecting organization considered that the nomination of the Workers' delegation should be made by rotation among the three central trade union organizations.

15. While regretting that the Government had not responded to the Committee's invitation to comment on the objection, the Committee decided not to uphold the objection. Article 3, paragraph 5, of the Con-

stitution did indeed imply that Governments should consult all the most representative Workers' organizations, and endeavour to obtain agreement on the nomination of the Workers' delegation, and it was only in the absence of agreement on a nomination or a rotation system, that the Government should make the nomination on the proposal of the organization or organizations that had the greatest representativity. However, in the present case, the Committee had not been provided with sufficient evidence to determine whether or not the objecting organization should be considered as one of the most representative Workers' organizations in Chad.

Communication concerning the Government delegation of India

16. The Committee had before it a communication from the Employers' Group of the Conference, addressed to the Secretary-General of the Conference, alleging that the Government of India had breached the principles of independence of the Groups and tripartism by including, as an adviser in the Government delegation to the Conference, a well known activist in trade union circles.

17. The Government, which had been invited to make observations before the matter was submitted to the Committee, explained, in a written communication from Mr. P.M. Sirajuddin, Director, Ministry of Labour, that the adviser concerned was a social activist, who had been extensively involved in the work of liberation and rehabilitation of child and bonded labour as well as with the mobilization and organization of other categories and sub-categories of unorganized labour, including contract labour. He had been included in the Government delegation in order to facilitate the delegation's understanding of the issues involved in the light of the situation obtaining in India.

18. The Committee considered that its competence did not extend to examining the substance of communications of this kind, and therefore did not express an opinion on the subject.

19. This report was adopted by the Credentials Committee unanimously. It is submitted to the Conference in order that the Conference may take note of it.

Geneva, 16 June 1997

(Signed) Matti Salmenperä
Chairman

Daniel Funes de Rioja

Charles Gray

1) Government delegates
2) Government advisers
3) Employers' delegates
4) Employers' Advisers
5) Workers' delegates
6) Workers' Advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)
Afghanistan	1	.	.	.	.	.
Albania	2	1	1	1	1	.
Algeria	1	10	1	4	.	2
Angola	2	2	.	2	1	2
Antigua and Barbuda	.	.	.	.	.	.
Argentina	2	4	.	10	.	10
Armenia	.	.	.	.	.	.
Australia	2	2	1	.	1	.
Austria	2	6	1	2	.	3
Azerbaijan	.	.	.	.	.	.
Bahamas	2	.	1	.	1	1
Bahrain	2	4	1	.	1	2
Bangladesh	2	4	1	1	1	1
Barbados	2	.	1	.	1	.
Belarus	2	1	1	.	1	2
Belgium	2	16	1	6	1	9
Belize	1	.	1	.	1	.
Benin	2	1	1	.	1	3
Bolivia	2	1	1	1	1	.
Bosnia and Herzegovina	2	.	.	.	.	.
Botswana	2	3	1	.	1	.
Brazil	2	10	1	6	1	6
Bulgaria	1	5	1	2	1	5
Burkina Faso	2	3	1	1	1	3
Burundi	2	.	1	.	1	.
Cambodia	2	.	1	.	1	.
Cameroon	.	2	1	1	1	5
Canada	2	8	1	6	1	7
Cape Verde	2	.	1	.	1	.
Central African Republic	1	2	1	.	1	.
Chad	1	1	.	.	1	.
Chile	2	9	1	6	.	10
China	2	15	1	3	1	6
Colombia	2	12	.	6	1	10
Comoros	.	.	.	.	.	.
Congo	1	7	.	.	.	.
Costa Rica	2	2	1	.	1	1
Côte d'Ivoire	2	5	1	2	1	4
Croatia	1	2	1	.	1	.
Cuba	2	4	1	.	1	.
Cyprus	2	5	.	6	1	5
Czech Republic	2	6	.	3	1	3
Democratic Repubic of the Congo	1	.	.	.	1	1
Denmark	2	5	1	3	1	6
Djibouti	2	.	.	.	.	.
Dominica	.	.	.	.	.	.
Dominican Republic	2	2	1	3	1	4
Ecuador	2	4	1	.	1	3
Egypt	2	8	.	4	1	8
El Salvador	1	4	1	.	1	.
Equatorial Guinea	2	2	.	.	.	.
Eritrea	1	.	.	.	.	.
Estonia	2	3	1	.	1	.
Ethiopia	2	2	1	.	1	.
Fiji	2	.	1	1	1	.
Finland	2	5	1	4	1	6
France	2	11	1	8	1	9
Gabon	2	6	1	1	1	2
Gambia	2	.	.	.	.	.
Georgia	1	.	.	.	.	.
Germany	2	8	1	6	1	7
Ghana	2	2	1	4	1	5
Greece	2	13	1	9	1	10
Grenada	.	.	.	.	.	.
Guatemala	1	3	.	1	1	1
Guinea	2	3	1	1	1	2
Guinea-Bissau	2	.	.	.	.	.
Guyana	.	.	.	.	.	.
Haiti	2	4	1	.	1	.
Honduras	2	.	1	.	1	.
Hungary	2	9	1	7	1	6
Iceland	2	3	1	1	1	1
India	2	9	.	6	1	6
Indonesia	2	14	1	10	.	10
Islamic Republic of Iran	2	5	1	1	1	6
Iraq	2	1	1	.	1	.
Ireland	2	6	1	1	1	1
Israel	2	8	1	1	1	4
Italy	2	8	1	5	1	5
Jamaica	2	4	1	.	1	.
Japan	2	20	.	5	1	10
Jordan	2	6	1	3	1	2
Kazakstan	2	.	.	.	1	.
Kenya	2	3	1	1	1	.
Republic of Korea	2	12	1	6	1	6
Kuwait	2	8	.	2	1	4
Kyrgyzstan	2	.	.	.	.	.
Lao People's Dem. Rep	2	.	.	.	1	1
Latvia	.	.	1	.	1	2
Lebanon	2	10	1	3	1	5
Lesotho	2	2	1	.	1	.
Liberia	.	.	.	.	.	.
Libyan Arab Jamahiriya	2	6	1	1	1	3
Lithuania	2	1	1	.	1	.
Luxembourg	2	12	.	4	1	8
Madagascar	2	3	1	.	1	.
Malawi	2	2	1	.	1	.
Malaysia	2	9	1	2	1	3
Mali	2	2	1	1	.	.
Malta	2	3	1	3	1	4
Mauritania	2	.	1	.	1	.
Mauritius	1	4	1	.	1	1
Mexico	2	4	.	3	1	4
Republic of Moldova	2	2	1	1	1	1
Mongolia	2	2	.	1	1	1
Morocco	2	6	.	2	1	7
Mozambique	2	2	1	.	1	.
Myanmar	2	10	1	.	1	.
Namibia	1	7	1	1	1	1
Nepal	2	1	1	.	.	.
Netherlands	2	11	1	5	1	6
New Zealand	2	3	1	1	1	1
Nicaragua	2	2	1	.	1	1
Niger	2	3	1	1	1	2
Nigeria	2	10	1	5	1	5
Norway	2	5	1	7	1	6
Oman	2	4	1	.	1	.
Pakistan	1	3	1	.	1	.
Panama	2	3	1	1	1	1
Papua New Guinea	2	2	1	.	1	.
Paraguay	2	4	1	.	.	2
Peru	2	2	1	3	1	.
Philippines	2	20	1	5	1	6
Poland	2	8	1	5	1	6
Portugal	1	10	.	6	1	7
Qatar	2	4	1	.	1	.
Romania	2	3	1	2	1	8
Russian Federation	2	14	1	7	1	7
Rwanda	1	.	.	.	.	.
Saint Kitts and Nevis	.	.	.	.	.	.
Saint Lucia	.	.	.	.	.	.
Saint Vincent and the Grenadines	.	.	.	.	.	.
San Marino	1	4	1	5	1	3
Sao Tome and Principe	2	.	.	.	1	.
Saudi Arabia	2	5	1	.	1	1
Senegal	2	10	.	4	1	8
Seychelles	2	1	1	.	1	.
Sierra Leone	.	.	.	.	1	.
Singapore	2	5	1	.	1	9
Slovakia	2	11	1	5	1	4
Slovenia	2	3	1	1	1	1
Solomon Islands	.	.	.	.	.	.
Somalia	.	.	.	.	.	.
South Africa	1	7	.	7	1	4
Spain	2	8	1	9	1	8
Sri Lanka	2	6	1	.	1	5
Sudan	2	6	1	1	1	3
Suriname	2	.	1	.	1	.
Swaziland	1	.	1	1	1	1
Sweden	1	5	1	5	1	4
Switzerland	2	7	1	6	1	3
Syrian Arab Republic	2	4	1	2	1	2
Tajikistan	1	.	.	.	1	.
United Republic of Tanzania	.	5	1	.	.	1
Thailand	2	7	1	5	1	5
The Former Yugos.Rep. of Macedonia	.	4	1	.	1	.
Togo	2	.	1	.	1	1
Trinidad and Tobago	2	4	1	1	1	1
Tunisia	2	6	1	4	1	3
Turkey	2	14	.	10	1	9
Turkmenistan	.	.	.	.	.	.
Uganda	2	5	1	.	1	.
Ukraine	2	2	.	2	1	1
United Arab Emirates	1	2	1	1	1	1
United Kingdom	2	14	1	4	1	6
United States	2	13	1	7	1	9
Uruguay	2	4	.	4	1	1
Uzbekistan	.	.	.	.	.	.
Venezuela	2	6	1	2	1	6
Viet Nam	2	2	1	1	1	1
Yemen	2	2	1	2	1	1
Yugoslavia	.	.	.	.	.	.
Zambia	2	3	1	4	1	.
Zimbabwe	2	5	1	.	1	.
Total	282	733	120	326	138	426

Fourth report of the Credentials Committee

Objections concerning the nomination of the Workers' delegate of Djibouti

1. The Committee had before it two objections concerning the nomination of the Workers' delegate of Djibouti. One was submitted by the *Intersyndicale* UDT/UGTD, and the other by the International Confederation of Free Trade Unions (ICFTU). According to the objecting organizations, the *Union démocratique des travailleurs* (UDT) and the *Union générale des travailleurs djiboutiens* (UGTD) together constituted 70% of the active workforce in the formal sector and thus formed the most representative central trade union organization in the country. In violation of article 3, paragraph 5 of the ILO Constitution, the Government had included no representative of this joint *Intersyndicale* in the Workers' delegation at the Conference. Without consulting the UDT or the UGDT, it had appointed as Workers' delegate the President of the *Congrès djiboutien du travail* (Codjitra) whose establishment had been engineered by the Government in its campaign against the UDT and the UGDT and which represented no trade union or any group of organized workers.

2. In a written communication sent to the Committee in response to its request, Mr. O.R. Daach, Minister of Labour and Professional Training, stated that the UDT had not deposited a copy of its statute with the local administrative authorities and was accordingly not recognized by the administration. The mandate of the officers of the UGTD had expired on 10 March 1997, but they refused to submit to the voting by the members. The representativity of that organization was therefore not known and there was no duly authorized body to discuss matters with the Ministry of Labour. Furthermore it was difficult to consult the two organizations as they refused any dialogue and did not respond to the invitations for dialogue that were sent to them. Codjitra, on the other hand, had gone through the administrative processes required by law and was also more representative than the other two organizations, in terms of membership.

3. The Committee requested the Government delegation of Djibouti at the Conference to make a representative available to provide further information to it orally with respect to the two objections. However, no representative came to the Committee at the time proposed by it.

4. Information was provided to the Committee orally by Mr. Adan Mohamed Abdou, General Secretary of the UDT and spokesperson for the *Intersyndicale*, accompanied by Mr. Guy Ryder, Director of the ICFTU Office in Geneva. Mr. Abdou confirmed that the information relating to affiliation and membership of the two organizations had been provided to the Ministry of Labour since 1995, at the time of the first Congress of the *Intersyndicale*, at which representatives of the ILO, the UNDP, the ICFTU and the Ministries of Labour and Home Affairs had participated. Since its first Congress, the *Intersyndicale* had deposited its statutes three times with the Ministry of Labour although the Government claimed to be unaware of this as the Minister of Labour had changed three times. Under the Labour Code, if there was no response within 15 days from the deposit of the statute, the organization was deemed to be legally established. In any case, the recognition of both central organizations had been confirmed in a Government decree (attached to the ICFTU's objection) and by their participation in national tripartite committees, such as the Pensions Committee. Nevertheless, over the last year the Government had attempted to discredit the two organizations, treating them as subversive and dismissing their leaders from employment. This campaign had included the creation of Codjitra, composed of officials of the Ministry of Labour, which published articles in the press attacking the protest actions of the independent organizations.

5. The Committee noted that the objecting organizations had provided it with documentation in support of many of their allegations, whereas the Government had only provided, as evidence of the alleged invitations for dialogue, communications that were dated 3 June 1997, the first day of the Conference. The Committee considered it unfortunate that the Government had not responded to its invitation to provide further information on the objections. As it was, the evidence indicated that the Workers' delegate had been chosen from the organization that was closely linked to the Government, in preference to the Workers' organizations that appeared to be indisputably the most representative in Djibouti, in clear violation of Article 3, paragraph 5, of the ILO Constitution. The Committee unanimously considered that the credentials of the Workers' delegate of Djibouti should be invalidated. It decided however not to make a proposal to that effect since invalidation would have no practical consequence as neither a Workers' nor an Employers' delegate had been registered, and bearing in mind the Conference's present workload.

Objection concerning the nomination of the Workers' delegate of Lesotho

6. The Committee had before it an objection concerning the nomination of the Workers' delegate of Lesotho submitted by the Lesotho Trade Union Congress (LTUC). According to the objection, as it was the most representative Workers' organization in Lesotho the LTUC had been invited by the Government on 19 May to propose one of its representatives for nomination as the Workers' delegate at the Conference. It had duly made a proposal and the Government had confirmed that its representative would be nominated. However, following consultations on 29 May, to which the LTUC had not been invited, the Government had gone back on its decision and had nominated a representative of the Lesotho Federation of Democratic Unions (LFDU). The reason given was that, under a claimed agreement of 1995, the LFDU and the LTUC were to participate in the Conference on an alternating basis. The objecting organization denied that any such agreement had been concluded.

7. In a written communication made, in response to the Committee's request, on behalf of Mr. T. Mohapeloa, Government delegate at the Conference, it was explained that following a split in the Lesotho Labour Congress in 1994, there were two main Workers' organizations, the LTUC and LFDU, and a significant number of trade unions that were not affiliated to either of them. The Government had tried to assess their respective representativity by reference to the membership returns submitted to the registrar of trade unions. But the results had proved unreliable. In 1995 at a meeting in the Office of the Minister, the two federations had agreed that representation at meetings would be by rotation until they were able to agree on forming a single centre. The LFDU had provided the Workers' delegate for the 1995 Conference and the LTUC had done so for the 1996 Conference. In 1997 it had been agreed that the LTUC would represent the workers at the SADC Conference in Pretoria. The nomination of a Workers' delegate at the present Conference from the LFDU was thus in line with the rotation agreement, and did not result from the 29 May meeting to which the objecting organization had referred. The invitation to LTUC to propose a representative this year had been made in error. As a result of a mission from the International Labour Office, the Government had decided to embark on an exercise to verify the trade union returns. Upon completion, the findings would be published.

8. The Committee found no evidence of any agreement relating to rotation, as stated by the Government. The agreement was supposed to have been concluded in the Office of the Minister of Employment and Labour and to have been the basis for the nomination of an LFDU representative at the 1995 Conference; and yet, when that nomination was objected to by LTUC at that Conference, the statement made to the credentials committee in writing by the Labour Commissioner of Lesotho contained no reference to any agreement on rotation. In the absence of such an agreement, the Government should have held consultations with both federations with a view to their reaching agreement on the nomination in this particular case. Failing agreement, it should have taken a decision on the basis of the proposal made by the more representative of the two organizations. Since, however, in the absence of reliable figures for assessing representativity, the Government had given equal treatment to the two organizations as far as participation in the Conference was concerned, the Committee decided not to uphold the objection. The Committee was furthermore encouraged by the Government's decision to undertake the necessary work to ensure the correctness of the figures for trade union membership and affiliation.

Payment of travel and subsistence expenses of delegations

9. The Committee received a communication from the Employers' Group signed by its Secretary, Mr. Costas Karpatis, expressing deep concern at the number of cases in which governments, in violation of their obligation under article 13, paragraph 2(a) of the Constitution, did not bear the travel and subsistence expenses of their Employers' delegation to the Conference. A survey carried by the Employers' secretariat, in which 122 employers delegates participated, revealed that 11 Employers' delegates and 51 Employers' advisers did not have their expenses paid, while 34 Employer delegations did not have their expenses paid for all members present at the Conference. The communication referred specifically to the cases of two governments (Lebanon and Peru) which had, for many years, systematically ignored their obligations to pay the expenses of their delegations. Two Employers' organizations (in Chad and Rwanda) had asked the Group to report that the governments concerned had failed to pay their expenses resulting in their absence. The Group welcomed the adoption of the amendment to the Standing Orders of the Conference and hoped that at the next Conference, these changes would give to the Credentials Committee the means to ensure that Governments complied with their constitutional obligation.

10. The Committee noted the information provided. Considering the time available to it, it was not able to invite comments from the Governments on the two complaints lodged and therefore expressed no opinion as to their substance. It however also noted that the amendments to the Standing Orders to the Conference which had just been adopted by the Conference would permit it in future to examine such complaints if they are lodged within seven days following the opening of the Conference. It suggested that the new provisions should be highlighted in the information provided to governments for the next Conference.

11. The Committee also took note of the information compiled by the Secretariat from the information provided by Governments in the Form for Credentials for the Conference. This year, the Governments of 73 Member states (as against 64 last year) had responded to the request for information when they issued the credentials of their delegations. Fifty three of those Governments (as against 55 last year) had declared that they had paid the expenses of their whole delegation, and 20 (instead of 9 last year) had said that they only covered the expenses of some members of their delegations or only part of the expenses of the delegations.

12. The Committee expressed the hope that with the coming into force of the new procedure of complaints concerning non-payment of expenses, more governments would comply with their constitutional obligation to pay the travel and subsistence expenses of their full tripartite delegation as this obligation was at the heart of tripartism.

13. This report was adopted by the Credentials Committee unanimously. It is submitted to the Conference in order that the Conference may take note of it.

Geneva, 17 June 1997

(Signed) Matti Salmenperä
Chairman

Daniel Funes de Rioja

Charles Gray

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Second report of the Constitutional Amendment and Standing Orders Committee

Amendments to the Standing Orders of the International Labour Conference[1]

1. The Committee had before it three sets of proposed amendments to the Standing Orders of the International Labour Conference which the Governing Body had referred to the Conference (*Provisional Record* No. 2). The first dealt with the consideration by the Credentials Committee of complaints with respect to the non-payment of delegates' expenses, the second with the time-limit for the submission of objections to credentials and the third with the effect on the right to vote of late payments under arrangements for the consolidation of arrears.

A. Consideration by the Credentials Committee of complaints with respect to the non-payment of delegates' expenses

2. The Legal Adviser explained that neither the Constitution nor the Standing Orders of the Conference contained procedures for verifying the compliance with the obligation incumbent upon Governments by virtue of article 13, paragraph 2(a) of the Constitution of the ILO to pay the travel and subsistence expenses of the delegates and advisers of their tripartite delegations. Experience had shown that not all member States fulfil that obligation. The Credentials Committee had indeed received in the past complaints alleging the non-fulfilment of the obligation under article 13, paragraph 2(a) of the Constitution, but had considered that it had no express mandate to deal with them. However, it considered that the non-compliance with this obligation could affect respect for tripartism in ways similar to non-compliance with article 3, paragraph 5, of the Constitution and it requested the Governing Body of the International Labour Office to examine the possibility of introducing an appropriate mechanism. On the basis of that request, the Governing Body considered that the Credentials Committee was the most appropriate body to examine such complaints and recommended that the Conference amend its Standing

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[1] Passages that it is proposed to delete are between square brackets whilst those to be inserted are in italics.

Orders so as to empower the Credentials Committee to deal with them. The proposed amendments reflect the concern of the Governing Body that the procedure should ensure respect for the constitutional requirements to appoint and pay the expenses of four delegates, but not go so far as to dissuade governments from appointing advisers through fear of complaints to the Credentials Committee. As a result, the authority proposed to be conferred upon the Credentials Committee would have to be exercised taking into account the objectives of ensuring, on the one hand, that Members appoint and make provision for covering the expenses of the tripartite delegation provided for in article 3, paragraph 1, of the Constitution and, on the other hand, that a certain balance is maintained in the number of advisers appointed to each of the three groups for whom the government pays travel and subsistence expenses.

3. The Employer Vice-Chairperson expressed full support for the proposed amendments which were not only the outcome of a thorough and in-depth discussion in the Governing Body of the ILO but, in particular, a final and concrete response to a request made by the Credentials Committee to address a matter on which it was often called upon to act. He noted that the only possibility open to the Credentials Committee under the present Standing Orders was to take note of such complaints.

4. The Worker Vice-Chairperson also supported the proposed amendments and recalled the consensus reached at the Governing Body in recommending the adoption of the proposed amendments. He stressed the importance of balanced representation.

5. In the absence of further comments, the Committee recommends to the Conference that it adopt the following amendments to articles 5 and 26 of its Standing Orders:

ARTICLE 5

2. The Credentials Committee shall examine the credentials of delegates and their advisers, and any objection relating thereto, in accordance with the provisions of section B of Part II. *Within the limits laid down in the said section B, the Committee may also consider any complaints of non-observance of paragraph 2(a) of article 13 of the Constitution.*

ARTICLE 26

9. The Credentials Committee may consider complaints that a Member has failed to comply with paragraph 2(a) of article 13 of the Constitution where:

(a) the Member is alleged to have failed to pay the travelling and subsistence expenses of one or more of the delegates that it has nominated in accordance with article 3, paragraph 1, of the Constitution;

(b) the complaint alleges a serious and manifest imbalance as between the number of Employer or Worker advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates.

10. A complaint referred to in paragraph 9 shall not be receivable in the following cases:

(a) if the complaint is not lodged with the Secretary-General of the Conference before 10 a.m. on the seventh day following the opening of the Conference and the Committee considers that there is insufficient time to deal with it properly;

(b) if the complaint is not lodged by an accredited delegate or adviser alleging non-payment of travel and subsistence expenses in the circumstances set out under (a) or (b) of paragraph 9 or by an organization or person acting on his or her behalf.

11. The Credentials Committee shall, in its report, present to the Conference any conclusions that it has unanimously reached on each complaint considered by it.

B. The 72-hour time-limit for the submission of objections to credentials

6. The Legal Adviser briefly introduced the proposed amendment to article 26, paragraph 4(a) of the Standing Orders of the Conference by noting that it was aimed at adapting existing time-limits to the reduced duration of the Conference. The proposed amendment would facilitate compliance with time-limits and would give the Credentials Committee more time for the consideration of objections submitted after the publication of the second and final lists. He recalled that, contrary to the initial proposal by the Office to reduce the time-limit to 48 hours in respect of all three lists, the proposal placed before the Conference on the basis of the consensus reached at the Governing Body was to maintain the 72-hour time-limit for the submission of objections in respect of the first list, and to shorten it to 48 hours in respect of objections against nominations published in the revised and final lists.

7. The Employer and Worker Vice-Chairpersons fully supported on behalf of their respective groups the proposed amendment before the Committee, which would contribute to the efficiency of the work of the Credentials Committee.

8. The Committee therefore recommends to the Conference that it adopt the following amendment to article 26, paragraph 4(a) of its Standing Orders:

ARTICLE 26

4. An objection shall not be receivable in the following cases:

(a) if the objection is not lodged with the Secretary-General within 72 hours at the latest from 10 o'clock a.m. of the date of the publication in the *Provisional Record* of the name and function of the person to whose nomination objection is taken; *provided that, where the name of the person is published for the first time in a revised list of the names and functions of delegates, the above time-limit shall be reduced to 48 hours* [Provided that the above time-limit may be extended by the Credentials Committee in the case of objections concerning the nomination of a delegate or adviser from a distant country];

C. The effect on the right to vote of late payments under arrangements for the consolidation of arrears

9. The Legal Adviser explained that the proposed amendment to article 32, paragraph 2 of the Conference Standing Orders was aimed at facilitating the work of the Conference and avoiding superfluous procedures. Its purpose was to prevent a State, which had lost its right to vote under article 13, paragraph 4 of the Constitution but recovered it pursuant to article 32, paragraph 2 of the Conference Standing Orders, from losing its right to vote again by missing, even by a few days, the deadline of 31 December of each year for the payment of its contributions and instalments on arrears. The aim was to give such a State a period of grace up to the Conference following the year in which the payments were due, by allowing it to retain its right to vote if it has paid the amounts due by the time the vote is taken without having to go through the procedure for restoring its right to vote. However, after the period of grace, a State which has still not paid the amounts due at the end of the Conference session finally loses its right to vote and will again have to go through the procedure laid down in article 31 of the Standing Orders in order to recover it the following year.

10. The Employer Vice-Chairperson indicated that his group agreed with the proposed amendment, which would permit the avoidance of cumbersome procedures. He suggested however that the last sentence of the amendment should be worded to reflect more clearly what had been decided by the Governing Body. To this end he proposed an amended text for this last sentence, which might read as follows: "For any Member which, at the close of a session of the Conference, has not fully paid all such instalments and contributions due before the end of the previous year, the permission to vote shall lapse."

11. The Government member of Italy agreed that it was necessary to allow a period of grace to States which had entered into an arrangement, but wondered whether it should not expire at the moment of the vote without waiting for the end of the Conference.

12. The Legal Adviser considered that the text proposed by the Employer Vice-Chairperson would to some extent provide an answer to the question put by the Government member of Italy, to the extent that it might be due to an ambiguity in the text. Indeed, the first part of the amendment, according to which "The Member shall be permitted to vote provided that, at the time of the vote concerned, the Member has fully paid all instalments due under the arrangement, as well as all financial contributions under article 13 of the Constitution that were due before the end of the previous year", gives a Member the possibility of paying and taking part in the vote even if it is taken at the last moment of the Conference. The last sentence of the amendment to article 32, paragraph 2, as proposed in *Provisional Record* No. 2 might give the impression that it too was referring to the Member which had paid its dues before the vote. In fact, this sentence was dealing with the case of a Member which had not paid in full right up to the end of the Conference and had thus not been able to take part in the votes at the Conference. Its objective was to stipulate that such a Member's permission to vote lapsed at the close of the Conference. The text proposed by the Employer Vice-Chairperson to replace this part of the amendment clarified its meaning by making it clear that two different situations were involved.

13. The Worker Vice-Chairperson approved on behalf of his group the proposed amendment as well as the explanations of the Legal Adviser concerning the two situations that it covered.

14. The Chairperson noted that there was consensus in the Committee to recommend to the Conference that it adopt the proposed amendment to article 32, paragraph 2 of its Standing Orders appearing in *Provisional Record* No. 2 as subamended by the Employer Vice-Chairperson. This text reads as follows:

ARTICLE 32

2. Notwithstanding the provisions of paragraph 1 of this article, after the Conference has approved an arrangement under which the arrears of a Member are consolidated and are payable in annual instalments over a period of years, [any decision by the Conference permitting that Member to vote shall be valid as long as the Member concerned pays both its current contributions and the instalments on its consolidated arrears during the year in respect of which they are due] *the Member shall be permitted to vote provided that, at the time of the vote concerned, the Member has fully paid all instalments under the arrangement, as well as all financial contributions under article 13 of the Constitution that were due before the end of the previous year. For any Member which, at the close of the session of the Conference, has not fully paid all such instalments and contributions due before the end of the previous year, the permission to vote shall lapse.*

Geneva, 6 June 1997.

(Signed) Bro-Matthew Shinguadja,
Chairman and Reporter.

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International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

Seventh item on the agenda: Proposed amendment to the Constitution to add a new paragraph to article 19 so as to enable the Conference to abrogate obsolete international labour Conventions and consequential or related amendments to the Standing Orders of the International Labour Conference

First report of the Constitutional Amendment and Standing Orders Committee

1. The Constitutional Amendment and Standing Orders Committee, set up by the Conference at its first sitting on 3 June 1997, held a sitting on 4 June 1997, and a further sitting on 6 June to adopt its report. It was composed of 132 members (83 Government members, 11 Employer members and 38 Worker members).

2. The Committee elected its Officers as follows:

Chairperson and Reporter: Mr. Bro-Matthew Shinguadja (Government member, Namibia).

Vice-Chairpersons: Mr. Daniel Funes de Rioja (Employer member, Argentina) and Mr. Khurshid Ahmed (Worker member, Pakistan).

3. The Committee had before it the Note concerning the proposed amendment to the Constitution to add a new paragraph to article 19 so as to enable the Conference to abrogate obsolete international labour Conventions and consequential or related amendments to the Standing Orders of the International Labour Conference (*Provisional Record* No. 1) as well as a Note concerning Standing Orders questions placed by the Governing Body of the International Labour Office before the Conference at its 85th Session (*Provisional Record* No. 2).

4. The Chairperson suggested that the Committee should examine the two sets of questions in the order they had been submitted, and asked accordingly the representative of the Secretary-General (the Legal Adviser) to introduce first the purpose, scope and effects of the proposed constitutional amendment.

Proposed constitutional amendment to enable the Conference to abrogate obsolete Conventions and consequential or related Standing Orders amendments

5. The Legal Adviser stressed the importance of the draft constitutional amendment recalling for those members of the Committee who were not familiar with the work of the Working Party of the Committee on Legal Issues and Labour Standards that the Governing Body had been discussing this matter in two consecutive sessions. The importance of the constitutional amendment consisted in the fact that it might facilitate considerably, if adopted, the task of the Organization of bringing up to date the body of labour standards. The Legal Adviser went on to say that, although of crucial importance, the exercise should none the less not be considered as radical, neither from the point of view of the legal principles involved nor as regards its practical modalities of implementation. As regards its implications from the viewpoint of principles, the proposal was designed in essence to confirm that the power to abrogate was the corollary of the power to adopt, and that the organ which was entitled to adopt international labour Conventions should also have the authority to abrogate them when they no longer served to promote the objectives of the Organization. Indeed, in the early years of the Organization some considered that this was the position, since international labour Conventions were not like other treaties but were designed to form a body of international labour law.

6. However, the ILO Constitution contained no provisions on the power to abrogate (indeed it was also silent on the conditions for the entry into force of Conventions). After a long doctrinal debate and much hesitation, the Conference finally decided in 1929 that it could not recognize that it had the power to abrogate Conventions at least when they were already in force, to the extent that these instruments created "contractual" obligations between States which had ratified them. This conclusion was subject to two qualifications: first, the same difficulty did not exist as regards Conventions not yet in force precisely because they had not created contractual obligations. Although at that time the term "abrogation" was used in this context also, in the present exercise, to avoid confusion, it had been decided to describe this second hypothesis, i.e., the abrogation of a Convention not yet in force, by the term "withdrawal". The second qualifying element in the conclusions reached in 1929 was the recognition that, if a Convention gives the Conference the power to do so, the Conference could take measures affecting the legal effects of a Convention in force, and since that time each Convention provides that a revising Convention may close it to further ratification and that ratification of the revising Convention constitutes automatic denunciation of the Convention concerned.

7. Notwithstanding this solution, however, some difficulties persisted; for instance, the legal effects of a Convention in force could only be limited by adopting a revising Convention, and even then, its legal effects could not be fully eliminated (e.g. right to file representations and complaints under articles 24 and 26 of the Constitution even though the Convention was omitted from official publications). This was the reason why the Working Party on Policy regarding the Revision of Standards concluded that it was the appropriate time to confer authority on the Conference to deal more effectively with the problem of obsolete international labour standards which no longer contributed to achieving the objectives of the Organization. Among several options presented by the Office, the

Working Party ultimately decided that the best method was that of a constitutional amendment.

8. Even though the entry into force of such an amendment would be subject to the condition of ratification provided for in article 36 of the Constitution, the Governing Body was confident that ratifications should be forthcoming as the reform would be in everybody's interest since it would contribute to alleviating the burden on member States and the ILO itself. It was also the most logical solution since it was designed to make explicit something which had been considered at the outset, at least by some, as an inherent power of the Conference.

9. From the viewpoint of modalities of application, the amendment was also far from being a radical step. It merely provided a tool; it was an enabling provision which could not and did not prejudge in any way the use which the Conference might decide to make of it with regard to a specific Convention. Moreover, the procedure under which an abrogation could be decided was accompanied by strict guarantees. Thus, a Governing Body decision to place the question on the agenda had to be taken by consensus, failing which a four-fifths majority was required so that no action would be possible against the will of any of the three groups. Furthermore, once the matter was placed on the agenda of the Conference, the procedure to be followed — as specified in draft articles 11 and 45bis of the Conference Standing Orders and article 12bis of the Governing Body Standing Orders — was basically the same as that laid down for the adoption of a Convention.

10. The Legal Adviser finally noted that the procedure would also apply to Recommendations in the same way as to Conventions which were not in force. Thus, Conventions not in force and Recommendations could be withdrawn under exactly the same conditions and following the same guarantees applicable to the abrogation of Conventions, the only difference being that there would be no need for the Conference to wait until the constitutional amendment entered into force.

11. The Worker Vice-Chairperson expressed full support for the proposed constitutional amendment since it allowed the Conference to proceed to eliminate international labour instruments whenever it became manifest that they no longer contributed to the attainment of the Organization's objectives. He also emphasized the importance of reaching a consensus before a proposal for abrogation was placed on the agenda of the Conference and invited all three groups to pledge commitment to the principle that no decision on such a sensitive and important matter should be made at the expense of one of the groups.

12. The Employer Vice-Chairperson reminded the members of the Committee that the proposed amendment was the fruit of intense and detailed discussions which resulted in a balanced, carefully worded text. He further considered that the draft amendment came as the right response to a real problem and was a working tool which had to be supported by tripartite consensus. Bearing this in mind, the Employers' group expressed its unreserved approval for the amendment to the Constitution and the consequential Standing Orders amendments.

13. The Government member of Italy while agreeing with the rationale of the proposed amendment, expressed some reservation as to the effects of abrogation on member States which had ratified a Convention declared obsolete. Contending that, if the analogy between abrogation and adoption were true, the former should also be subject to ratification, he suggested that an additional provision should be inserted to the effect that ratifying States might freely decide on the follow-up which they would give to an abrogated Convention in their reciprocal relations.

14. The Government member of Switzerland welcomed the constitutional amendment. Even though abrogation might raise some problems for Swiss legislation, this was a matter for the Swiss internal legal order. Most importantly, the draft amendment carried a strong political message in the sense that the Organization should be given the means at last to set aside the dead wood in so far as its standard-setting function is concerned. As to the proposal of the Government member of Italy, he felt that the Conference should not seek to settle all possible questions in this amendment.

15. The Government member of Panama, recalling national practice and past experience, approved entirely the proposed amendment.

16. The Government member of Sweden expressed her satisfaction that the proposals of the Working Party were now before a Conference Committee with a view to adoption, all the more so as these proposals offered yet another tool beyond those of "dormancy" and "shelving" used thus far. In reply to the question raised by the Government member of Italy, she recalled that the Working Party had looked thoroughly into concerns of that nature, and devoted lengthy discussions as to the possibility of a "contracting-out" clause. Concerning the time-limits provided for in draft article 45bis, she suggested that it might be advisable for the Committee to review those time-limits in order to bring them in line with those prescribed in article 38 of the Conference Standing Orders so as to give the Office more time to prepare its second report.

17. The Government member of Japan, while expressing his support for the general direction of the proposed amendment, shared to some extent the concern expressed by the Government delegate of Italy and requested the secretariat to provide if possible further explanation on the relationship between the draft amendment and Article 54 of the Vienna Convention on the Law of Treaties.

18. With reference to the question raised by members of the Committee on the effects of abrogation on relations between States which had ratified the abrogated Convention, the Legal Adviser recalled the reason why the Governing Body had considered that it was not necessary to include an "opting-out" clause enabling ratifying States to remain bound by the Convention. This was because abrogating an obsolete international labour Convention did not as such affect the national legislation which might have been adopted following the ratification of that Convention. There should also be no doubt that abrogation did not prevent two or more members States from deciding to continue to apply *inter se* the abrogated Convention which would no longer be an ILO Convention. The sole effect of abrogation was to eliminate the legal effects vis-à-vis the Organization and other parties, and this explained why the Working Party did not consider it necessary to provide for contracting-out.

19. In reply to the question relating to the Vienna Convention on the Law of Treaties, the Legal Adviser stated that Article 54 of the Convention provided that a treaty could be terminated, among other means, in conformity with its terms. An international labour Convention was a treaty adopted within the framework of and by reference to another treaty, namely the ILO Constitution. He further drew attention to Article 5 of the Vienna Convention, which provided that that Convention applied to a treaty which was the constituent instrument of an international organization, and to any treaty adopted within an international organization **"without prejudice to any relevant rules of the organization"** (emphasis added). The Vienna Convention thus referred back to the constitutional system and practice of the Organization. He also noted that in fact the ILO had been instrumental in the adoption of this provision in order to safeguard in particular its practice relating to reservations to international labour Conventions. Therefore, once the Constitution contained a provision on abrogation, the Vienna Convention would be respected. As to the point made in relation to the time-limits in article 45bis, the Legal Adviser considered that the Office should normally have no problem in respecting those limits since the questionnaire would not be complicated and the replies of member States were expected mostly to indicate to what extent the Convention was still serving a useful purpose and to be short and straightforward. He suggested, therefore, to put the procedure to the test as it now appeared in the proposed amendment. It would be a simple matter to revise it at a later stage should this prove necessary.

20. The Employer Vice-Chairperson observed that the reservations and questions raised by various Government members had all been discussed and dealt with in the Working Party, and it was reassuring that no new problems had been raised which had not already been examined. He reaffirmed the conviction of the Employer members that the proposed amendment was in conformity with existing texts and practices, that it was a logical mechanism and that it had been the fruit of laborious discussions within the Governing Body.

21. The Government member of Italy declared he was satisfied and reassured by the explanations furnished by the Legal Adviser. The Government member of the United States stated that his delegation had intended to raise some of the questions put by the Government member of Japan. He expressed his appreciation of the explanations given and asked that they be recorded in the report.

22. The Government member of Japan raised a query as to whether, from a practical point of view, member States should be allowed some time, for example one year, in order to repeal domestic legislation pursuant to a Conference decision to abrogate a Convention.

23. In reply to this point, the Legal Adviser felt that it was in essence covered by the response given previously to the Government member of Italy, and stressed once more that the fact that a Convention was abrogated did not mean that national legislation adopted pursuant to the abrogated Convention, if maintained, could be in violation of any obligations towards the ILO. In other words, abrogation terminated the obligations of ratifying States resulting from the Convention vis-à-vis the Organization, but did not oblige those States to repeal domestic legislation which might have been adopted following the ratification of the Convention now abrogated. As there was no obligation to act, there was no question of any time-limit.

24. The Worker Vice-Chairperson recalled that the issues raised in the Committee had been dealt with in the Governing Body Working Party, and the Governing Body itself emphasized that there had been a tripartite consensus in respect to all three proposed changes, i.e. in the Constitution, the Standing Orders of the Conference and of the Governing Body. This meant that this was a package with three strictly interrelated elements and thus could not be changed only in one part.

25. Before proceeding to the adoption of the amendments, the Government member of Japan stated that he was not yet in a position to support the adoption of the amendments, until he had reported back to his capital and received an instruction.

26. In the light of the foregoing, the Committee recommends that the Conference amend article 19 of the Constitution by adding the following new provision as paragraph 9:

CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION

ARTICLE 19

. . . .

9. By a majority of two-thirds of the votes of delegates present, the Conference, acting on a proposal of the Governing Body, may abrogate any Convention adopted in accordance with the provisions of this article if it appears that the Convention has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organization.

27. The Committee further recommends that the Conference adopt the following amendment to article 11, paragraph 1 of its Standing Orders and the following new article 45bis:

STANDING ORDERS OF THE CONFERENCE

ARTICLE 11

1. The procedure for the consideration of proposed Conventions and Recommendations, *as well as the procedure for the abrogation*[1] *or withdrawal of such instruments adopted by the Conference*, shall be governed by the rules concerning Convention and Recommendation procedure set forth in section E of Part II.

Article 45bis

Procedure to be followed in the event of the abrogation[1] *or withdrawal of Conventions and Recommendations*

1. When an item to be placed on the agenda of the Conference concerns the abrogation of a Convention in force or the withdrawal of a Convention which is not in force or of a Recommendation, the Office shall place before the Governing Body a report containing all relevant information which the Office possesses on this subject.

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[1] Only applicable upon the entry into force of the Instrument of Amendment to the Constitution of the International Labour Organization, 1997.

2. When an item on abrogation or withdrawal is placed on the agenda of the Conference, the Office shall communicate to all governments, so that it reaches them 18 months before the session of the Conference, a short report and questionnaire requesting them to indicate within a period of 12 months their position, along with the reasons therefor, on the subject of the said abrogation or withdrawal, along with the relevant information. This questionnaire shall request governments to consult the most representative employers' and workers' organizations before preparing their final replies. On the basis of the replies received, the Office shall draw up a report containing a final proposal which shall be distributed to governments four months before the session of the Conference.

3. The Conference may decide to examine this report and the proposal which it contains directly in a plenary sitting or send it to the Selection Committee. At the end of this examination in the plenary or in the light of the report of the Selection Committee, as appropriate, the Conference shall decide by consensus or, failing that, by a preliminary vote by a two-thirds majority to submit the formal proposal for the abrogation or withdrawal of the instrument to a final vote. This record vote shall take place no earlier than the day following the preliminary decision.

Geneva, 6 June 1997.

(Signed) Mr. Bro-Matthew Shinguandja,
Chairman and Reporter.

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No. 10 — Monday, 9 June 1997

International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

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In accordance with the decision taken by the Conference at its 16th Sitting on 17 June 1997, the Conference Drafting Committee examined the amendments to the Conference Standing Orders in addition to the amendment to the Constitution contained in *Provisional Record* No. 10 and made certain drafting improvements which have been incorporated in the text below:

STANDING ORDERS OF THE CONFERENCE

ARTICLE 11

1. The procedure for the consideration of proposed Conventions and Recommendations, as well as the procedure applicable to the abrogation[1] of a Convention in force or to the withdrawal of a Convention that is not in force or of a Recommendation, shall be governed by the rules concerning Convention and Recommendation procedure set forth in section E of Part II.

ARTICLE 45BIS

Procedure to be followed in the event of the abrogation[1] or withdrawal of Conventions and Recommendations

1. When an item to be placed on the agenda of the Conference concerns the abrogation of a Convention in force or the withdrawal of a Convention that is not in force or of a Recommendation, the Office shall place before the Governing Body a report containing all relevant information which the Office possesses on this subject.

2. When an item on abrogation or withdrawal is placed on the agenda of the Conference, the Office shall communicate to the governments, so as to reach them not less than 18 months before the opening of the session of the Conference at which the item is to be discussed, a short report and questionnaire requesting them to indicate within a period of 12 months their position, along with the reasons therefor, on the subject of the said abrogation or withdrawal, along with the relevant information. This questionnaire shall request governments to consult the most representative organisations of employers and workers before finalizing their

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[1] Only applicable upon the entry into force of the Constitution of the International Labour Organisation Instrument of Amendment, 1997.

replies. On the basis of the replies received, the Office shall draw up a report containing a final proposal which shall be distributed to governments four months before the session of the Conference.

3. The Conference may decide to examine this report and the proposal which it contains directly in a plenary sitting or send it to the Selection Committee. At the end of this examination in the plenary or in the light of the report of the Selection Committee, as appropriate, the Conference shall decide by consensus or, failing that, by a preliminary vote by a two-thirds majority to submit the formal proposal for the abrogation or withdrawal to a final vote. This record vote shall take place no earlier than the day following the preliminary decision.

Geneva, 17 June 1997.

International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

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Second item on the agenda: Programme and budget proposals and other financial questions

First report of the Finance Committee of Government Representatives

1. The Finance Committee of Government Representatives met on 5 and 6 June 1997 with Mr. P. Etiang (Uganda) as Chairman and Reporter and Mr. A. Ducreux (Panama) as Vice-Chairman.

Requests for permission to vote in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization

2. The representative of Canada observed that the Committee was about to deal with several requests for the right to vote. Member States facing financial difficulty should of course be given every encouragement to put forward concrete proposals for the payment of arrears of contributions, but once such a plan was adopted by this Committee and by the Conference it should be adhered to. It was disappointing that two of the requests before the Committee were from member States which had made repeated applications over the years for permission to vote. If their requests were approved this time they should honour the terms of the arrangement, otherwise their voting rights should be suspended.

3. The representative of Nigeria felt that the statement by the previous speaker was too severe. The Committee should not prejudge the efforts of member States to pay their arrears of contributions and he hoped that other members of the Committee would take a more lenient view than that of the Canadian representative.

Request by the Government of Cape Verde

4. The Committee had before it a request (document F.C./D.2) from the Government of Cape Verde for permission to vote at the Conference. This request was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference. The text of the request, dated 10 April 1997, is as follows:

The Office of the Assistant
to the Prime Minister

Praia, 10 April 1997

Mr. Director-General,

I have the honour to inform you that the Government of the Republic of Cape Verde intends to settle its contributions in arrears to the International Labour Organization in order to recuperate its right to vote and to participate actively in the activities of the Organization.

I would like to assure you of Cape Verde Government's desire to remain faithful and committed to the objectives of the International Labour Organization, and that the delay in payment of its contribution is due, on the one hand, to the economic difficulties and, on the other, to the priority that our Government has had to give to its policy to combat the persistent drought which unfortunately plagues our country.

That being so, and in order to overcome this constraint, I would like to submit the following arrangement[1] for your consideration:

- our country will pay its 1997 contribution of 33,822 Swiss francs in full;
- the accumulated contributions for 1993 to 1996 amounting to 132,241 Swiss francs will be paid in 20 equal annual instalments of 6,612.05 Swiss francs. We further propose that the payment of this amount begin in 1998.

On behalf of the Government of Cape Verde, I would ask Your Excellency to submit this request for the approval at the 85th Session of the International Labour Conference so that our country can recuperate its right to vote and enjoy other rights as a Member of the Organization.

In the hope that our proposal will meet with your understanding, I assure you, Mr. Director-General, of my distinguished consideration.

(Signed) José António Dos Reis.

5. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in Appendix I to this report.

6. In examining the financial relations between Cape Verde and the Organization for the preceding ten years, the Committee noted that Cape Verde had made the following payments to the ILO in respect of assessed contributions:

Date of payment	Amount	Details of payment
3 June 1987	US$25 079	Full 1985 and 1986 contributions
21 June 1988	US$12 657	Full 1987 contribution
15 May 1989	US$16 243	Full 1988 contribution
28 May 1991	SF34 053	Full 1989 contribution
10 February 1992	SF29 000	Full 1990 contribution and part of 1991 contribution
15 February 1995	SF60 269	Balance of 1991 contribution and full 1992 contribution

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[1] Figures proposed have been amended in the draft resolution at the end of this report to reflect the actual situation after consultation with the Government.

Contributions outstanding at 31 December 1996 amounted to 130,790 Swiss francs, which represented the contributions due from 1993 to 1996 inclusive.

7. The Committee, being satisfied that the failure of Cape Verde to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, reports to the Conference as follows:

(a) The Committee finds that the failure of Cape Verde to pay in full the amounts owing was due to conditions beyond its control, as explained in the letter appearing in paragraph 4 above.

(b) The financial relations between Cape Verde and the Organization have been set out in paragraph 6 above.

8. The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to Cape Verde of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.

Request by the Government of Paraguay

9. The Committee also had before it a request (document F.C./D.3) received from the Government of Paraguay for permission to vote at the Conference, which also was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference.

10. The text of the request, dated 23 May 1997, is as follows:

Ministry of Justice and Labour,
Asunción, Paraguay

Asunción, 23 May 1997

Mr. Director-General,

I am pleased to inform you that our arrears and contribution have now been deposited. Therefore, and in keeping with the relevant provisions, I request that if possible we again be granted the right to vote at the 85th Session of the International Labour Conference.

In accordance with the Standing Orders of the International Labour Conference, I would ask you kindly to submit this request to the Finance Committee at your earliest convenience.

I look forward to receiving a positive reply, and in the meantime remain,

Yours faithfully,

(Signed) Sebastian Gonzalez Insfran,
Minister of Justice and Labour.

11. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in Appendix I to this report.

12. In examining the relations between Paraguay and the Organization for the preceding ten years, the Committee noted that the International Labour Conference at its 78th (1991) Session adopted an arrangement proposed by the Government of Paraguay for the settlement of the arrears of contributions due for the period of 1956-90 of 1,174,753 Swiss francs.

13. Under the terms of the arrangement, Paraguay was to:

(a) pay in full its 1991 contribution in 1991 together with its contribution due to the Working Capital Fund (WCF) of the Organization of 2,625 Swiss francs;

(b) continue to pay in subsequent years its current contribution in full in the year for which it is due;

(c) settle the arrears that have accumulated up to and including 31 December 1990, amounting in total to 1,174,753 Swiss francs, by the payment of 19 equal annual instalments of 58,738 Swiss francs and a final instalment of 58,731 Swiss francs, beginning in 1991.

14. Since the adoption of the arrangement, Paraguay has made the following payments to the ILO in respect of its assessed contributions:

Date of payment	Amount	Details of payment
19 July 1991	SF2 625	Contribution to the WCF
11 October 1991	SF28 413	Part 1991 instalment
30 December 1991	SF112 379	Balance of 1991 instalment and part of 1991 contribution
13 January 1992	SF8 872[1]	Balance of 1991 contribution and part of 1992 instalment
19 March 1992	SF70 649	Balance of 1992 instalment and part of 1992 contribution
2 April 1992	SF6 417	Part of 1992 contribution
23 April 1992	SF73 904	Balance of 1992 contribution and part of 1993 instalment
8 January 1993	SF114 698	Balance of 1993 instalment and full 1993 contribution
24 December 1993	SF130 434	Full 1994 instalment and contribution and part of 1995 instalment
18 January 1995	SF67 674	Balance of 1995 instalment and part of 1995 contribution
20 November 1995	SF57 327	Balance of 1995 contribution and part of 1996 instalment
19 December 1996	SF61 600	Balance of 1996 instalment and part of 1996 contribution
7 May 1997	SF81 874	Balance of 1996 contribution and part of 1997 instalment

[1] Following this payment, the 79th (1992) Session of the Conference granted Paraguay permission to vote, which had been lost because of non-payment of the 1991 contribution in full in 1991.

15. In 1996, Paraguay was due to pay the instalment against its arrears of 58,738 Swiss francs and its 1996 net contribution of 32,268 Swiss francs totalling 91,006 Swiss francs. By 31 December 1996, Paraguay had paid in full its 1996 instalment of 58,738 Swiss francs and 7,842 Swiss francs of its 1996 net contribution leaving a shortfall of 24,426 Swiss francs. In accordance with paragraph 2 of article 32 of the Standing Orders of the Conference, any decision by the Conference permitting a Member to vote shall be valid as long as that Member pays both its current contribution and the instalment on the consolidated arrears during the year in respect of which they are due. Paraguay thus lost the right to vote since it did not pay its full 1996 contribution in 1996.

16. As noted in the letter referred to above, Paraguay made a payment in 1997 of 81,874 Swiss francs which covered the balance of the 1996 contribution, and a partial payment against the 1997 instalment. It had therefore fulfilled the terms of the arrangement approved by the Conference.

17. The Committee accordingly recommends that the Conference adopt the resolution concerning the granting to Paraguay of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.

Request by the Government of the Dominican Republic

18. The Committee also had before it a request (document F.C./D.4) received from the Government of the Dominican Republic for permission to vote at the Conference. This was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference.

19. The text of the request, dated 26 May 1997, is as follows:

Dominican Republic
Secretary of State for Labour

Santo Domingo, 26 May 1997

Dear Director-General,

I have the honour to inform you that on 23 May 1997, instruction was given to have US$223,180 transferred to International Labour Office account No. 0312735-024 with City Bank, Zurich, Switzerland, comprising US$200,000 in payment of arrears of contributions to the International Labour Organization and US$23,180 in payment of the contribution for 1997.

I wish to assure you of the Dominican Government's endorsement of the objectives and principles of the International Labour Organization and to state that it is only for economic reasons stemming from a major fiscal crisis that the Dominican Republic has been unable to pay its contributions for the past years.

In order to regularize its situation and regain its right to vote and participate actively in the International Labour Organization's various bodies, the Dominican Government respectfully requests that you submit to the Organization's competent authorities the following proposal for the settlement of its arrears of contributions:

(a) The Dominican Republic will settle its arrears of contributions that have accumulated up to the end of 1996 (1985-96) by payment of five (5) equal annual instalments of 145,000 Swiss francs, and a final payment representing the balance of the arrears due, with the first annual instalment being due in 1998.

(b) In subsequent years, the Dominican Republic will pay the amount corresponding to each year of its *pro rata* contribution.

I would further request that you transmit to the 85th Session of the International Labour Conference my Government's request that it be permitted to vote and enjoy other rights in the Organization in accordance with article 13, paragraph 4, of the Constitution of the ILO.

Yours faithfully,

(Signed) Dr. Rafael Alburquerque,
Secretary of State for Labour.

20. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in Appendix I to this report.

21. In examining the relations between the Dominican Republic and the Organization for the preceding ten years, the Committee noted that under a financial arrangement approved by the 63rd (1977) Session of the Conference, the Dominican Republic was to:

(a) pay in 1977 its contribution for the year 1977 in full;

(b) continue to pay its current contributions in full in the year for which it is due;

(c) settle the arrears that had accumulated up to and including 31 December 1976, amounting in total to US$266,286, by the payment of 19 equal annual instalments of US$13,314 beginning in 1977 and a final instalment of US$13,320.

22. Between 1977 and 1984, the Dominican Republic complied with the terms of the arrangement by paying a total of US$330,853 covering both the contributions and instalments due for the period. However, the right to vote was again lost in January 1986 when the 1985 contribution and instalment remained unpaid. Accordingly, the outstanding contributions due by the Dominican Republic fall into two parts. The first part covers contributions from 1970-76, amounting to 279,603 Swiss francs, and the second part covers contributions from 1985-96, amounting to 874,152 Swiss francs. Total contributions outstanding as at 31 December 1996 therefore equal 1,153,755 Swiss francs.

23. The amount outstanding at 31 December 1996 is in excess of the equivalent of the assessed contributions of the Dominican Republic for the two preceding years. Therefore, under paragraph 4 of article 13 of the Constitution, the Dominican Republic is not entitled to vote unless the Conference should decide, in accordance with that article, to grant permission to vote.

24. The Government of the Dominican Republic now proposes a new financial arrangement that would regularize its contributions and allow it to actively participate in the activities of the Organization. As a demonstration of this commitment, the Dominican Republic made a payment of 314,126 Swiss francs on 27 May 1997 towards its proposed arrangement (equivalent of US$223,180 as stated in the letter quoted above). Should the Conference adopt the proposal of the Government of the Dominican Republic, this amount could be applied against arrears (280,515 Swiss francs) and in payment of the 1997 contribution (33,611 Swiss francs), as described in the resolution at the end of this report.

25. The Committee, being satisfied that the failure of the Dominican Republic to pay its arrears was due to conditions beyond its control, in

accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, reports to the Conference as follows:

(a) The Committee finds that the failure of the Dominican Republic to pay in full the amounts owing was due to conditions beyond its control, as explained in the letter appearing in paragraph 19 above.

(b) The financial relations between the Dominican Republic and the Organization have been set out in paragraphs 22 to 24 above.

26. The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to the Dominican Republic of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.

Request by the Government of Djibouti

27. The Committee also had before it a request (document F.C./D.7) received from the Government of Djibouti for permission to vote at the Conference. This was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference.

28. The text of the request, received on 5 June 1997, is as follows:

Mr. Director-General,

I have the honour to inform you that the Government of Djibouti would like to recuperate its voting rights in the International Labour Organization (ILO), and at the same time would like to make a proposal to settle its contributions in arrears.

The Government of Djibouti hereby reaffirms its commitment to the aims and objectives of the ILO and would like to take part fully in its work.

We should like to point out that Djibouti's non-payment of contributions is due to the following reasons of *force majeure*:

- civil war between 1991 and 1994, settled in 1995;
- an unprecedented economic crisis.

In order to restore the economic and financial situation in Djibouti, a round table was held in Geneva on 29 and 30 May 1997, bringing together Djibouti, donors and international organizations. This meeting was a success for my country. However, the financial and economic difficulties currently facing Djibouti do not permit it to settle its contributions in arrears with a single and immediate payment.

The Government of Djibouti therefore requests your assistance in submitting the following proposal for the settlement of contributions in arrears to the competent authorities of the ILO:

(a) Djibouti has already made a payment to the International Labour Office of 101,466 Swiss francs, representing a little less than half of our contributions in arrears.

(b) Djibouti will pay its current contribution every year.

(c) Djibouti would like to settle its contributions in arrears over a period of five years. During the first four years, from 1998 to 2001, Djibouti will pay 28,270 Swiss francs each year, and in 2002 Djibouti will pay the balance of 28,272 Swiss francs.

We thus intend to settle our arrears, which currently amount to 209,207 Swiss francs.

Best copy available

In the hope that you will kindly submit this request to the International Labour Conference so that my Government may participate in the voting of the 85th Session of the Conference, I assure you, Mr. Director-General, of my distinguished consideration.

(Signed) Osman Roble Daach,
Minister of Labour and
Vocational Training.

29. The Committee noted the provisions of paragraph 4 of article 13 of the Constitution of the ILO, also articles 31 and 32 of the Standing Orders of the Conference, the texts of which appear in Appendix 1 to this report.

30. In examining the financial relations between Djibouti and the Organization for the preceding ten years, the Committee noted that Djibouti had made the following payments to the ILO in respect of its assessed contributions:

Date of payment	Amount	Details of payment
27 January 1988	US$12 657	Full 1986 contribution
19 April 1988	US$12 657	Full 1987 contribution
19 July 1988	US$8 122	Part 1988 contribution
3 June 1991	SF28 914	Balance of 1988 contribution and part 1989 contribution
9 June 1992	SF15 721	Part 1989 contribution
14 March 1994	SF15 053	Balance of 1989 contribution and part 1990 contribution

31. Contributions outstanding at 31 December 1996 amounted to 209,207 Swiss francs, covering the assessed contributions for 1990 to 1996. The 1997 contribution of 33,611 Swiss francs has also not been paid.

32. The amount outstanding at 31 December 1996 is in excess of the equivalent of the assessed contributions of Djibouti for the two preceding years. Therefore, under paragraph 4 of article 13 of the Constitution, Djibouti is not entitled to vote unless the Conference should decide, in accordance with that article, to grant permission to vote.

33. As evidence of its intention to pay, Djibouti made a payment of 101,466 Swiss francs on 5 June 1997 in accordance with the proposed arrangement, and as described in the letter which appears in paragraph 28. If the Conference accepts the proposal made by the Government of Djibouti, 33,611 Swiss francs of this amount could be applied in full settlement of its 1997 contribution and the balance of 67,855 Swiss francs applied towards the payment of arrears of contributions, as indicated in the resolution at the end of this report.

34. The representative of France observed that Djibouti had recently made a substantial payment to cover its current contribution as well as a part of its arrears. He fully supported the arrangement proposed by Djibouti so that it could recover its right to vote.

35. The representative of Panama agreed with the previous speaker and expressed full support for the draft resolution recommending that Djibouti be granted the right to vote.

***36.** The Committee, being satisfied that the failure of Djibouti to pay its arrears was due to conditions beyond its control, in accordance with the provisions of paragraph 4 of article 31 of the Standing Orders of the Conference, reports to the Conference as follows:*

***(a)** The Committee finds that the failure of Djibouti to pay in full the amounts owing was due to conditions beyond its control, as explained in the letter appearing in paragraph 28 above.*

***(b)** The financial relations between Djibouti and the Organization have been set out in paragraphs 30 to 33 above.*

***37.** The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to Djibouti of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.*

Appendix

38. Appendix I contains extracts from the Constitution of the ILO and from the Standing Orders of the Conference dealing with arrangements for the settlement of arrears of contributions and requests for permission to vote.

Geneva, June 1997.

(Signed) P. Etiang,
Chairman and Reporter.

Appendix I

Relevant provisions of the Constitution of the International Labour Organization and the Standing Orders of the International Labour Conference

1. Paragraph 4 of article 13 of the Constitution of the Organization provides as follows:

> 4. A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee or in the election of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

2. Articles 31 and 32 of the Standing Orders of the Conference provide as follows:

ARTICLE 31

Procedure where proposal is made to permit
Member in arrears to vote

1. Any request or proposal that the Conference should nevertheless permit a Member which is in arrears in the payment of its contributions to vote in accordance with article 13, paragraph 4, of the Constitution shall be referred in the first instance to the Finance Committee of the Conference, which shall report thereon as a matter of urgency.

2. Pending a decision on the request or proposal by the Conference, the Member shall not be entitled to vote.

3. The Finance Committee shall submit to the Conference a report giving its opinion on the request or proposal.

4. If the Finance Committee, having found that the failure to pay is due to conditions beyond the control of the Member, thinks fit to propose to the Conference that the Member should nevertheless be permitted to vote in accordance with article 13, paragraph 4, of the Constitution, it shall in its report:

(a) explain the nature of the conditions beyond the Member's control;

(b) give an analysis of the financial relations between the Member and the Organization during the preceding ten years; and

(c) indicate the measures which should be taken in order to settle the arrears.

5. Any decision which may be taken by the Conference to permit a Member which is in arrears in the payment of its contributions to vote notwithstanding such arrears may be made conditional upon the Member complying with any recommendations for settling the arrears which may be made by the Conference.

ARTICLE 32

Period of validity of a decision to permit Member in arrears to vote

1. Any decision by the Conference permitting a Member which is in arrears in the payment of its contributions to vote shall be valid for the session of the Conference at which the decision is taken. Any such decision shall be operative in regard to the Governing Body and committees until the opening of the general session of the Conference next following that at which it was taken.

2. Notwithstanding the provisions of paragraph 1 of this article, after the Conference has approved an arrangement under which the arrears of a Member are consolidated and are payable in annual instalments over a period of years, any decision by the Conference permitting that Member to vote shall be valid as long as the Member concerned pays both its current contributions and the instalments on its consolidated arrears during the year in respect of which they are due.

Resolutions submitted to the Conference

Resolution concerning the arrears of contributions of Cape Verde

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of Cape Verde for the settlement of its arrears of contributions due for the period 1993-96 to the effect that:

(a) in 1997, the Government of Cape Verde will pay in full its contribution for the year 1997;

(b) in subsequent years, the Government of Cape Verde will continue to pay its current contribution in full in the year for which it is due;

(c) the Government of Cape Verde will settle arrears that have accumulated up to and including 31 December 1996, amounting in total to 130,790 Swiss francs, by the payment of 20 annual instalments beginning in 1998, made up of 19 equal instalments of 6,539 Swiss francs and a final instalment of 6,549 Swiss francs;

Decides that Cape Verde shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

Resolution concerning the arrears of contributions of Paraguay

The General Conference of the International Labour Organization,

Having regard to the terms of the financial arrangement adopted by the Conference at its 78th (June 1991) Session for the settlement of arrears of contributions of the Government of Paraguay and to paragraph 7 of article 10 of the Financial Regulations,

Having regard further to the fact that the Government of Paraguay, having lost the right to vote through non-payment of its contribution for 1996, has now paid its contribution for that year and part of its instalment for 1997;

Decides that Paraguay shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business, it being understood that the aforesaid financial arrangement shall continue to apply.

Resolution concerning the arrears of contributions of the Dominican Republic

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of the Dominican Republic for the settlement of its arrears of contributions due for the periods 1970-76 and 1985-96 to the effect that:

(a) in 1997, the Government of the Dominican Republic will pay in full its contribution for the year 1997;

(b) in subsequent years, the Government of the Dominican Republic will continue to pay its current contribution in full in the year for which it is due;

(c) the Government of the Dominican Republic will settle arrears that have accumulated up to and including 31 December 1996, amounting in total to 1,153,755 Swiss francs, by an immediate payment of 280,515 Swiss francs and by payment of five equal annual instalments of 145,000 Swiss francs and a final instalment of 148,240 Swiss francs, beginning in 1998;

Decides that the Dominican Republic shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

Resolution concerning the arrears of contributions of Djibouti

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of Djibouti for the settlement of its arrears of contributions due for the period 1990-96 to the effect that:

(a) in 1997, the Government of Djibouti will pay in full its contribution for the year 1997;

(b) in subsequent years, the Government of Djibouti will continue to pay its current contribution in full in the year for which it is due;

(c) the Government of Djibouti will settle arrears that have accumulated up to and including 31 December 1996, amounting in total to 209,207 Swiss francs, by an immediate payment of 67,855 Swiss francs and the payment, beginning in 1998, of four annual instalments of 28,270 Swiss francs, and a final annual instalment of 28,272 Swiss francs;

Decides that Djibouti shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

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International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

Second item on the agenda: Programme and budget proposals and other financial questions

Second report of the Finance Committee of Government Representatives

1. The Finance Committee of Government Representatives met on 5 and 6 June 1997 with Mr P. Etiang (Uganda) as Chairman and Reporter and Mr. A. Ducreux (Panama) as Vice-Chairman.

Status of collection of member States' contributions

2. The Committee had before it *Provisional Record* No. 5, containing information on the status of collection of member States' contributions as at 31 May 1997.

3. The representative of the Director-General (the Treasurer and Financial Comptroller) reported that since the preparation of the document, contributions had been received from the following member States:

Country	Swiss francs
Malawi	7 225
Nepal	33 216
Cape Verde	59 119
Dominican Republic	314 126
Total	413 686

4. The payments from Malawi and Nepal meant that these member States had now paid their 1997 contributions in full.

5. ***The Committee took note of the information in the document.***

Assessment of contributions of new member States

6. The Committee had before it Report II: Draft Programme and Budget for 1998-99 and other financial questions, containing a draft resolution concerning the rate of assessment for Saint Kitts and Nevis, which had joined the ILO on 19 June 1996.

7. The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.

Scales of assessment of contributions to the budget for the 1998-99 biennium

8. The Committee had before it Report II: Draft Programme and Budget for 1998-99 and other financial questions, and document FC/D.5, containing draft resolutions and a draft scale of assessment for member States' contributions for 1998.

9. The representative of the Russian Federation observed that discussions were taking place at present in the UN on a scale of assessments for 1998. The ILO scale for 1998 proposed in the Office paper was based on the UN scale for 1997, whereas under the principle of full harmonization it should be based on the UN scale for 1998. The present UN scale was fixed in 1994 according to conditions at that time. Since then the economic climate in the Russian Federation, and several other countries as well, had deteriorated to the point where the current UN scale no longer accurately reflected their ability to pay. Nevertheless, the Russian Federation would be prepared to accept the 1997 UN scale as the basis for the 1998 ILO scale, because under the terms of the resolution this matter could be re-examined at the 1998 Conference.

10. The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.

Report of the Administrative Board of the ILO Staff Pensions Fund

11. The Committee had before it Report II: Draft Programme and Budget for 1998-99 and other financial questions, containing a resolution submitted by the Governing Body concerning the management of the ILO Staff Pensions Fund.

12. The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.

Composition of the Administrative Tribunal of the International Labour Organization

13. The Committee had before it Report II: Draft Programme and Budget for 1998-99 and other financial questions, containing a resolution submitted by the Governing Body concerning appointments to the Administrative Tribunal of the ILO.

14. The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.

Programme and Budget proposals for 1998-99

15. The Committee had before it the Director-General's Programme and Budget proposals for 1998-99 as submitted to the Governing Body at its 268th

Session (March 1997). The Committee also had before it Report II: Draft Programme and Budget for 1998-99 and other financial questions, containing a report on the consideration of the Director-General's original proposals by the Programme, Financial and Administrative Committee of the Governing Body. The Committee also had before it *Provisional Record* no. 3, containing supplementary information submitted to the Conference in pursuance of a decision of the Governing Body in March 1997.

16. The Director-General stated that the programme and budget proposals whose adoption the Governing Body was recommending to the International Labour Conference were the result of a process involving an extra stage compared with previous years which had given Government, Employer and Worker members of the Governing Body a better chance to voice their principal concerns.

17. The Governing Body wanted the Conference to reaffirm the ILO's permanent objectives, which it had confirmed on the 75th anniversary of the Organization in 1994, and had decided to pursue its broad strategy of promoting democracy, assisting member States in their efforts to create employment and combat poverty and improving the protection of workers. There were four major challenges that needed priority attention in 1998-99: the revitalization of the ILO standard-setting activities, the fight against child labour, the follow-up to the World Summit for Social Development in Copenhagen, and the follow-up to the World Conference on Women in Beijing. Both the content of the proposals and the level of resources proposed were in line with this strategy.

18. The programme and budget before the Committee contained a considerable number of innovations, including new programmes of action that the Governing Body had identified during its most recent discussions. The first table of Part IV of *Provisional Record* No. 3, which the Committee had before it, summarized the Programme and Budget proposals for 1998-99. There were cuts in all the major sectors. The budget for the policy-making organs was down by around 14 per cent and for service and support activities by 6.7 per cent. There were only small cuts in regional services, on which expenditure was being reduced by 0.35 per cent compared with an average of 5.59 per cent for the budget as a whole. Substantive and operational programmes, i.e. the technical activities that were of direct concern to member States, had been cut by 2.43 per cent overall, again less than the programme and budget as a whole. Using the same exchange rate as for 1996-97 and at constant 1996-97 prices, the programme and budget proposed for 1998-99 had been reduced by almost 32.4 million dollars.

19. In real terms these proposals were 5.59 per cent lower than the programme adopted by the Conference for the current biennium. In nominal terms they showed a reduction of 3.75 per cent at an exchange rate of 1.16 Swiss francs to the dollar. However, the relevant exchange rate would in fact be the applicable rate at the time the Committee made its recommendation to the Conference, probably between 1.40 and 1.44 Swiss francs to the dollar. At the conservative estimate of 1.40 Swiss francs to the dollar, the Organization's budget for 1998-99 would thus be 493.8 million dollars, a nominal reduction of 14.79 per cent compared with the budget for the current biennium; at 1.44 Swiss francs to the dollar, the budget would be 485.2 million dollars, a net reduction of 16.27 per cent.

20. The proposals showed that the Office had made allowance for the financial difficulties facing several member States, and also showed that it had respected the Governing Body's wish to reduce the Organization's budget. Although some people felt that the Office should have made more cuts, the Director-General drew the Committee's attention to the serious risk that that would have posed for the Organization.

21. The Director-General went on to say that hardly a week went by without the Office hearing from somewhere — often in very attractive brochures — about some United Nations organization's plan of reform. The ILO had not yet published any document of this kind but perhaps it should have done. In fact, the reforms taking place in the Organization were nothing new; under the authority of the Governing Body, the Office had been working on the process of reform for over six years. Perhaps the reforms had not been as drastic as some might have wished, but they had been profound, real and effective.

22. The Director-General briefly outlined the background to the Office's six years of reforms, the Organization's objectives and the results obtained. At the beginning of the 1990s the Organization had had no option but to adapt to the changes in its environment, because they were a direct challenge to its ability to meet its constituents' expectations. These changes included the end of communism and the planned economy, especially in Central and East Europe; the predominance of the market economy; the globalization of the economy; the deregulation of the labour market; the very concept of lifelong employment and of social security; the consequences of the liberalization of trade and the pressure to enforce workers' fundamental rights. On another level, there was the dwindling level of resources for technical cooperation, the decision to encourage the national execution of programmes and projects and, of course, every kind of technical progress, which was a source both of new opportunities and of problems for the world of work.

23. The first reforms undertaken by the Organization were designed to enhance its capacity to respond to the needs of its constituents in the various member countries. The most important of these was the active partnership policy which was introduced in 1991 to bring the Office closer to the ministries of labour and employers' and workers' organizations in member States, so as to improve their capability to implement their own development programmes. This policy led to a radical reform of all the ILO's technical resources in the regions and, specifically, to the creation of the multidisciplinary advisory teams. At the same time, relations between headquarters and the regions underwent a profound change which resulted in much greater unity of action. Because the new approach entailed the fullest possible involvement of the Organization's constituents, the implementation of its major programmes became much more focused on their most pressing problems. The result was much greater synergy between international labour standards and technical cooperation.

24. For the Organization to remain relevant in a global economy, it too needed to broaden its influence at the international level — another challenge which the Office had taken up with the backing of the Governing Body. The outcome of that was common knowledge. The World Summit for Social Development had recognized that the Organization was the leading forum for social development, and the Bretton Woods institutions had endorsed the ILO's principles regarding fundamental workers' rights and the critical importance of tripartite consultation in implementing economic and social policies. The G7 had now invited the Organization to take part in its discussions on unemployment problems. These and many other examples showed just how the ILO's credibility had grown in recent years. The development of the International Programme on the Elimination of Child Labour was clear proof of the confidence that was now being placed in the Organization.

25. Another effect of these reforms had been to increase the Organization's effectiveness, which had made it more efficient and the impact of its activities more durable. An example was the great improvement in the functioning of the International Labour Conference, and the equally remarkable reduction in its cost — a saving of 30 per cent, not counting the reduced cost for governments of the member States of sending delegations to the Conference. Similar improvements had been made in the functioning of the Governing Body and of the regional conferences, again bringing substantial reductions in costs; the reorganization of the regional meetings, for example, had resulted in a saving of 55 per cent.

26. The same was true of the reform of the Organization's sectoral activities decided by the Governing Body, which had made them both more effective and much less costly. Service and support activities was another area where there had been major reforms over the past three or four biennia, resulting in productivity gains and, above all, much lower costs, especially in internal administration, the production of documents and publications and the servicing of conferences and meetings.

27. All these reforms had been decided by the Organization's policy-making bodies, notably the Governing Body, and had been implemented by the staff of the Office. The ILO's personnel policy itself had changed greatly: recruiting procedures had been streamlined and training stepped up; a policy of mobility between headquarters and the regions had been systematically applied for the past five years; performance appraisal was being improved; efforts to recruit from non-represented and under-represented countries were already giving positive results; and the percentage of women on the staff had increased by 45 per cent since 1990.

28. The ILO's mistake was perhaps that it had introduced these reforms earlier than other organizations. A whole series of measures that were being considered elsewhere were already part and parcel of the ILO's structure and working methods. As could be seen from the proposals before the Committee, the main objective had been to reduce administrative costs in Geneva so as to boost the programmes of action in the regions. In terms of work-years, the resources allocated to regional services had increased by 47 per cent over 1990-91.

29. While recognizing that productivity could still be improved, the Director-General emphasized that any attempt to do more than what was proposed and to make additional cuts would inevitably mean reducing the Office's activities in the regions. And that meant that the Organization's technical capability would suffer, as would its ability to fulfil its mandate. True, there was no end to change; on the contrary, the pace of change was constantly accelerating and the process of reform must therefore continue unabated. There was no resting on one's laurels; asserting the Organization's relevance demanded constant effort. The debate of the current session of the Conference on the ILO's standard-setting activities in a global economy was just one example. Constant reform was also needed for the ILO to become more and more effective; for maximum efficiency, the Office would have to be unrelenting in its pursuit of increased productivity and reduced costs. That was what the programme and budget for 1998-99 set out to do.

30. The Director-General said that the reforms had been successful largely because of the support of the representatives of the governments and of the employers' and workers' groups. He assured the Committee that he would pursue the process of reform and asked it to give the Office the means of doing so by approving the proposals submitted to the Conference by the Governing Body.

31. Mr. Oechslin, the Employer Vice-Chairman of the Governing Body, stated that this budget period could be considered from two points of view: one which concentrated on budget amounts, and another which focused on the programme itself. Governments were more concerned with the level of resources involved, but the Employers tended to pay more attention to the programme aspects of the proposals. The Programme and Budget proposals for 1989-99 now before the Committee had already been the subject of a very lengthy discussion in the Governing Body, and struck a balance between the needs of the Organization's constituents.

32. The Employers saw three priorities in the programme and budget proposals: employment promotion, training, and support for democracy and fundamental workers' rights. The interest in employment promotion was reflected in the size of extra-budgetary resources earmarked for these activities. For their part, the Employers were in favour of a comprehensive and integrated programme in support of job-creating enterprises. Indeed, the programme and budget contained ambitious programmes of action in this area, especially the programme of action for the development of small and medium-sized enterprises. However, the resources allocated to this programme were insufficient, and Governments should make an effort to provide more funding.

33. As regards training, the Employers paid particular attention to directing these activities to the particular needs of the economy, to methods of financing such activities and to the respective roles of the State and the private sector in this field.

34. The Employers considered democracy and fundamental workers' rights as a top priority in view of the follow-up to the Copenhagen Summit and the Singapore Conference. The Employers also supported a renewed impetus for the reform of standard-setting activities, one of the main themes of the Organization's programme, and supported the continuation of activities already under way for the protection of workers.

35. The main tool for implementing the programme and budget of the ILO was clearly its staff — the Organization's greatest asset. The technical competence of staff was crucial not only for the successful implementation of the programme but also to ensure that the ILO was regarded as a centre of excellence in its field.

36. Another basic means for implementing the programme was the Organization's structure, which enabled it to be in contact with the world of labour and with its constituents. The Employers favoured an active partnership policy, also a streamlining of regional structures provided it was not detrimental to the technical competence of headquarters services.

37. Sectoral activities were also extremely important because they enabled the ILO to maintain contact with the industrial branches. The ILO had recently had some success in experimenting with the use of more accessible informal meetings and the Employers therefore welcomed the two which were included in the programme and budget proposals.

38. The assessment of the ILO's work was an extremely important function which could be best achieved through an evaluation of the actual impact of programmes. This process could be improved by expanding the role of the Committee on Technical Cooperation of the Governing Body.

39. In conclusion, the Employers considered that the budget struck a satisfactory balance between the various activities of the ILO and they expressed firm support for the Programme and Budget proposals for the 1998-99 biennium.

40. Mr. Gray, speaking on behalf of the Worker Vice-Chairman of the Governing Body, said that having an opportunity in November 1996 for a preliminary discussion on the Programme and Budget proposals for 1998-99 was a welcome innovation and enabled the Governing Body to express a preliminary view on the proposals. The more detailed discussions had taken place as usual at the last Governing Body session in March 1997 but on this occasion had been marked by lengthy discussions on procedure. The Governing Body had requested certain additional information concerning the Programme and Budget proposals for 1998-99 to be made available to this Committee and the Workers expressed appreciation for the Office's response.

41. The Workers were particularly concerned to see that the Programme and Budget for 1998-99 was still based on the principle of zero real growth. The Organization had operated under this regime for many years now and the point had been reached where it was starting to affect the ability of the ILO to carry out its mandate. He urged the representatives of all member States to bear this in mind during the course of the discussions and again when they held preliminary discussions on the Programme and Budget proposals for 2000-01.

42. The Workers, like the Employers, were never 100 per cent satisfied with the final programme and budget proposals. Nevertheless, they were particularly impressed by enterprise activities, which would benefit from a solid tripartite approach. The Workers shared the Employers' support for the active partnership policy but it would be useful to have more information on where the money was being spent and the general effectiveness of these activities. In general, however, the Workers believed the Programme and Budget proposals for 1998-99 were well balanced and commended them for adoption by this Committee and the Conference.

43. The representative of the Director-General (the Treasurer and Financial Comptroller), at the invitation of the Chairman, described the documents for the Committee's consideration. The first was the Director-General's Programme and Budget proposals for 1998-99, which was the document considered by the Programme, Financial and Administrative Committee and the Governing Body in March 1997. This document did not reflect the changes which had resulted from these discussions. The second document was Report II: Draft Programme and Budget 1998-99 and other financial questions, on pages 1-6. Table B, on page 5 in the English document, contained the adjustments to the programme and budget proposals which had resulted from the Governing Body discussion in March. Annex 1 of Report II contained the report of the Programme, Financial and Administrative Committee on the draft Programme and Budget proposals for 1998-99. The third document before the Committee was *Provisional Record* No. 3, containing additional information submitted to the Conference at the request of the Governing Body.

44. The representative of Austria thought that the Programme and Budget proposals for 1998-99 were well balanced and expressed particular appreciation for the additional information contained in *Provisional Record* No. 3. In the light of demand for ILO services in many member States it was regrettable to see that resources had been cut in many programme activities. Nor had administrative services been spared. The main document containing the Programme and Budget proposals for 1998-99 referred to savings that could be achieved with a rationalization of the Office management structure. These savings would be welcome provided the process of rationalization yielded genuine benefits, but the ILO should be careful about adopting the same measures as the private sector. In many countries increased unemployment had led to widespread poverty and other socially undesirable repercussions. As an organization concerned with human rights the ILO should set an example by exploring job-sharing and similar schemes so that human dignity was not jeopardized in the search for savings. Subject to these reservations the Programme and Budget proposals for 1998-99 were well balanced and deserved full support.

45. The representative of Tunisia would have preferred a much greater increase in resources for regional activities, especially in view of the socio-economic challenges resulting from the globalization of the world economy. Referring to field programmes in the Arab States it was gratifying to see that the activities planned in Palestine recognized the need for ILO services in that region, although more could be done in view of the changing circumstances of workers in the occupied territories. It was regrettable to see that there was no mention of an ILO mission to Palestine and the other occupied territories to see the situation at first hand. The Arab member States also attached great importance to the development of labour administration activities and would like to see more resources allocated to these activities. The work carried out by the ILO, the Arab Labour Organization and the Government of Tunisia through the Regional Arab Programme for Labour Administration (RAPLA) based in Tunisia since 1986 was a striking example of what could be achieved.

46. The representative of Panama had participated in all the discussions on the Programme and Budget proposals for 1998-99 and urged members of the Committee to give them their full support.

47. The representative of Canada expressed appreciation to the Office for the additional information contained in *Provisional Record* No. 3. It was a useful document that would help this Committee to understand the resource allocations to the strategic priorities in the programme and budget, and could be developed in future as an integral part of the budgeting process. She expressed full support for the Programme and Budget proposals for 1998-99. The budget level reflected the down trend towards reduced financing in the UN system and national administrations and the proposals had been able to provide a balance between many high-priority programmes and activities, despite the pressures of budgetary restraint. The economies and reform initiatives referred to by the Director-General in his introduction were not well-known and deserved to be commended. She welcomed the proposal to return to member States the surplus income arising from the 1996-97 expenditure reductions to offset contributions for 1998-99. This would be particularly helpful for those whose contributions could increase under a new United Nations scale of assessments. The proposals adopted by the Governing Body on a more strategic approach in future to the preparation and presentation of programme and budget proposals were an especially welcome development. Members looked forward to seeing the new approach in the Programme and Budget for 2000-01. Evaluation of the impact of activities in the current biennium was an important aspect of the new budgetary process approved by the Governing Body, and the first review this coming November would be useful initial planning for the Programme and Budget for 2000-01. In summary, the Canadian Government would give full support to the Programme and Budget proposals for 1998-99.

48. The representative of Norway hoped that for future biennia it would be possible to divert even more resources from administrative to technical programmes, but in the meantime expressed full support for the Programme and Budget proposals for 1998-99.

49. The representative of the United Kingdom agreed with the comments of the two previous speakers. He also agreed with the spokesman for the Workers that the opportunity to have a two-stage discussion on the programme and budget in the Governing Body was a welcome development. Discussion had tended to focus too much on presentation, but when this was resolved it would be easier to understand the substance of the proposals. He expressed full support for the Programme and Budget for 1998-99.

50. The representative of Bahrain expressed support for programmes aimed at alleviating poverty in order to achieve social justice, and also the creation of jobs through the development of small enterprises. He commended the efforts of the ILO Office in Beirut and also the multidisciplinary teams which were working with other area offices to provide a full range of services throughout the Arab States. The effectiveness of the ILO throughout the Arab States would be further enhanced if more of the ILO publications were available in the Arab language. Subject to these comments he expressed full support for the Programme and Budget proposals for 1998-99.

51. The representative of Italy, in expressing support of the draft programme and budget, recognized the efforts made by the Director-General to meet the requirements of member States by striking a balance between the economic constraints faced by the ILO and ensuring that its objectives were achieved. He endorsed the objectives established to promote core labour standards, to work towards the elimination of child labour, to support small and medium enterprises, and to improve the protection of workers, but thought that training should have been given more importance as it was an essential part of the active partnership policy. Fully sharing the view expressed by the representative of the Government of Canada, he welcomed the more strategic approach adopted by the Office to the programme and budget.

52. The representative of China expressed general support for the content and level of the budget, but felt that the proposals contained three obvious shortcomings. Firstly, the promotion of employment and the fight against poverty were not given sufficient prominence, because with over 30 per cent of the world's workforce unemployed or underemployed, and more than one billion people living in poverty, they were clearly the greatest challenges faced by the world of labour. The World Summit for Social Development had entrusted the ILO with the role of addressing these problems and developing countries hoped that the ILO would provide advice on employment policy and serve as a centre of reference and excellence in this field. While the ILO's standard-setting activities were important and should not be neglected, they were not as important as the promotion of employment; consequently, resources allocated to the promotion of employment should have been consolidated.

53. Secondly, the ILO's technical cooperation activities should have been expanded, especially activities relating to the promotion of employment and poverty alleviation. Technical cooperation was the most efficient means of promoting the ILO's objectives but instead, to the concern of developing countries, the ILO's technical cooperation activities were decreasing. This was an undesirable trend and should be reversed, whatever the reasons for it. The policy to link international labour standards to the provision of technical cooperation should also be reviewed. The active partnership policy and promotion of services to member States were excellent initiatives, but more resources were needed so that they could more efficiently meet the increasing demands of member States.

54. Finally, although more resources had been allocated to the regions, they were still nowhere near enough to meet the needs of member States, especially in the Asia-Pacific region. There was also an imbalance in the general distribution of resources by region which the ILO should redress by increasing the amount of resources for these programmes and ensuring that there was no discrimination in how they were allocated.

55. The representative of Sudan, while supporting the draft programme and budget, believed that the limited resources hampered the efficient implementation of programmes. The increased allocation to the African region was welcomed, but it should not be forgotten that Africa suffered from complex social and economic problems, including high unemployment and low living standards. The African member States looked to the ILO for help in its particular field of expertise, taking into account cooperation with other international organizations, including providing follow-up to the Declarations of the World Summit for Social Development and the Fourth World Conference on Women. He expressed support for the establishment of a multidisciplinary team in Cairo, also for the valuable work being done by the Regional Arab Programme for Labour Administration based in Tunisia. He urged the Office to continue sending an annual mission to Gaza and the West Bank as this was the best way of assessing the particular problems in this area and finding solutions to them.

56. The representative of the United States was encouraged that the level of the draft programme and budget was 3.75 per cent lower than the current biennium, which showed that it was possible to fully absorb the effects of inflation. It was also heartening to see the progress made towards more transparency in budget presentation and a more strategic approach to budget themes. During earlier discussions on the programme and budget proposals, the United States Government had called for a substantial reduction in the original budget level, and had reserved its position when the Governing Body agreed on a reduction of 3.75 per cent. There was no doubt that the budget could be further reduced. Since it was presented in dollars the level appeared to drop quite substantially, from $579.5 million in the current biennium to approximately $490 million for 1998-99, once it was recosted to the current exchange rate. However, this reduction was not reflected in the Swiss francs that member States would be assessed. As inflation in Switzerland was very low, the Organization's activities would be well protected, so there was still room for further savings. For example, travel by officials and Governing Body members in business class should be eliminated. There was no justification for spending taxpayers' money on expenses forbidden to national employees and it was an anomaly that officials travelled business class to work in poor countries. Several other measures could be taken. Support staff could be reduced to correct the present imbalance between support staff and Professional staff, also reproduction and translation costs could be reduced if documents were shortened or if they were routinely distributed on the Internet, and if committees did not proliferate agenda items.

57. The Director-General had described the results of the reforms that had been carried out since 1994. However, reform was an ongoing process which should be continued, and there would be no turnaround in the policy to control budget levels. The Director-General might wish to consider establishing an informal scorecard of the effectiveness of reforms that had been undertaken and he might also wish to take a lead from the reforms carried out in the United Nations. As far as the budget level was concerned, a lower inflation estimate would be more accurate given the recent history of inflation rates in Switzerland and in the other countries in which the ILO had significant financial activities.

58. The representative of Chile felt that the draft programme and budget fairly reflected the discussions which had taken place in the Governing Body, and expressed support for the positions taken by the representatives of Canada, the United Kingdom and Norway.

59. The representative of Japan fully supported the statements made by the representatives of the Governments of Canada, the United Kingdom, and Norway. The increased transparency in the presentation of the programme and budget proposals was a positive step and the response by the Office to member States' requests for more information was appreciated. The Office should also continue to develop its strategic approach to the budget and its user-friendly presentation of the programme and budget proposals.

60. The representative of Sweden, in supporting the draft programme and budget, expressed appreciation for the Office's response to requests for more information, but believed that it should carefully evaluate recent reforms in the budget process and develop a more strategic approach to the formulation of budget themes. It was also important to enhance transparency in the presentation of the budget so that member States could understand where ideas came from and see more clearly the impact of programmes' activities.

61. The representative of France agreed with the statements of the representative of Canada and expressed full support for the draft Programme and Budget for 1998-99. The Office had made strenuous efforts during the present budget exercise in response to requests for more information and had provided extremely helpful additional documentation to member States. This information had facilitated discussion on the programme and budget proposals and should be provided regularly in future because increased transparency in programme and budget matters was highly desirable. In the budget process comparisons had been made between the past and the future and two main positions were adopted: that spending should decrease, or that organizations should pursue a zero growth budget. This was a false debate. The real issue was efficiency, and to maintain efficiency and implement effective policies it was sometimes necessary to increase spending.

62. He agreed with earlier statements that the process of reform should continue but the Office should look closely at the question of priorities. A balance sheet of the reforms should be evaluated and it was important that the search for reforms to improve efficiency continued without interruption. Reforms should not be based purely on financial considerations: for example, the duration of the Governing Body and the Conference could be shortened because at present the ILO was unable to benefit from the attendance of those who might come if the Conference was shorter. Furthermore, the decision not to publish immediately statements made in the plenary sessions was wrong, because it meant that the outside world could lose interest in the work of the ILO. Publishing these statements later was only interesting to historians and did not serve the interests of the Organization.

63. The representative of the Government of Australia expressed full support for the programme and budget proposals as they stood. The supplementary information published in *Provisional Record* No. 3 was a welcome development towards a more transparent budget process and it also reflected the trend towards a more strategically based budget approach.

64. The representative of Saudi Arabia expressed appreciation for the efforts of the Office during the discussions on the programme and budget proposals in the Governing Body, and also for providing the additional information requested for this Committee. He associated himself with the statements of the representatives of Tunisia, the Sudan and Bahrain, that regional activities should be strengthened through an increase in resources for regional programmes.

65. The representative of Turkey fully supported the Programme and Budget proposals for 1998-99 and associated himself with the comments made by the representatives of Norway, the United Kingdom, Canada, Japan, Sweden, France and Austria. He also thanked the Director-General for his excellent work in preparing the documents for discussion.

66. The representative of New Zealand also supported the Programme and Budget proposals for 1998-99. The objective of zero nominal growth set by the Governing Body had been achieved for the next biennium and at least the same degree of restraint should continue for future biennia. The programme and budget proposals reflected a more strategic approach and this would be a good starting-point for a fuller incorporation of integrated strategic planning processes in future budget discussions. He strongly endorsed the Director-General's recognition of the need for effective and ongoing evaluation and monitoring mechanisms for ILO activities, and the ILO should lead the way in achieving productivity increases without increasing costs.

67. These achievements should be seen as a starting-point for further initiatives aimed at improving the Organization's productivity, efficiency and effectiveness. A structured approach to achieving savings and establishing priorities was necessary to assure constituents that sufficient resources were being allocated to the right priorities. The Office should broaden its focus to include desired results as well as activities, because managers would then be accountable for their achievements and would have an incentive to optimize the use of resources. This broader focus should be reinforced by a programme of rigorous evaluations which would make financial reporting more meaningful and enable the ILO to be more effective and valuable to its constituents.

68. The representative of Jamaica, speaking on behalf of the English-speaking Caribbean countries, expressed full support for the Programme and Budget proposals for 1998-99.

69. The representative of the Syrian Arab Republic expressed appreciation to the Director-General for the Programme and Budget proposals for 1998-99 and for the additional information contained in *Provisional Record* No. 3. An equilibrium had been achieved between activities and services and the rationalization of costs as a result of recent reforms carried out by the Office. There were two ways of solving financial problems: one was to keep costs the same and increase resources, the other was to keep resources the same and rationalize costs in light of socio-economic and international monetary changes. In any case, there could be no justification for a reduction in both. A balance between activities and resources had to be achieved that respected the core mandate of the ILO and the terms of the ILO Constitution. Cooperation between developing and developed countries should particularly ensure that reforms would not affect services to developing countries. Finally, he associated himself with the comments made by earlier speakers concerning the rights of workers in Palestine and the occupied territories.

70. The representative of Argentina fully supported the Programme and Budget proposals for 1998-99 and thanked the Director-General for the most useful information contained in *Provisional Record* No. 3. She considered that the proposals would enable the ILO to effectively carry out its mandate and supported the reforms proposed.

71. The representative of Germany supported the Programme and Budget proposals for 1998-99 and endorsed the comments made by the representative of Canada. He welcomed the strategies developed in the proposals and felt that nominal zero growth was the right decision in present circumstances because the ILO would still be able to carry out a full range of activities. The additional information contained in *Provisional Record* No. 3 was extremely helpful in understanding the budget proposals in more detail.

72. The representative of Switzerland expressed full support for the Programme and Budget proposals for 1998-99.

Resolution for the adoption of the Programme and Budget for 1998-99 and the allocation of the budget of income among member States

73. The Committee had before it document FC/D.6, which contained summarized details of the Programme and Budget proposals for 1998-99 and a draft resolution for submission to the Conference. At the previous sitting the Committee had authorized the Office to carry out the forward exchange contracts for the Organization's US dollar requirements for the 1998-99 biennium. These contracts had now been formally executed and the appropriate figures now to be inserted in the formal resolution were:

Budget of expenditure	US$481,050,000
Budget of income	US$481,050,000
Budget rate of exchange	1.46 Swiss francs to US$1
Equivalent budget total in Swiss francs	CHF 702,333,000

74. The Committee recommends that the Conference adopt the resolution for the Programme and Budget for 1998-99, the text of which appears at the end of this report.

Appendices

75. A draft scale for the assessment of contributions for 1998 is attached as Appendix I to this report.

76. A table showing the proposed summarized budget of expenditure and income for 1998-99 is attached to this report (Appendix II), together with a summary of the proposed expenditure budget for 1998-99 by major programme (Appendix III).

77. A statement showing the contributions due from each member State for 1998 is also attached (Appendix IV).

Geneva, June 1997.

(Signed) P. Etiang,
Chairman and Reporter.

Resolutions submitted to the Conference

Resolution concerning the assessment of contributions of new member States

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2 of the Financial Regulations, that the contribution of Saint Kitts and Nevis to the ILO budget for the period of its membership in the Organization in 1996 and 1997 be based on an annual assessment rate of 0.01 per cent.

Resolution concerning the scales of assessment to the budget for 1998-99 biennium

The General Conference of the International Labour Organization,

(a) Decides, in accordance with article 9, paragraph 2 of the Financial Regulations, to adopt, for the assessment of the contributions of member States for 1998, the draft scale of assessments set out in column 3 of Appendix I to this report;

(b) Requests the Director-General, through the Governing Body, to report to the International Labour Conference at its 86th Session on changes, if any, to the scale of assessment adopted by the United Nations General Assembly at its 52nd Session, and on all the implications for the ILO, including its earliest comparable application, taking due consideration of the established practice, taking into account the deliberations of its 268th Session and of the 85th Session of the International Labour Conference, and in accordance with the Constitution, Financial Regulations, related resolutions and decisions;

(c) Reaffirms that the ILO scale of assessments should be based upon the latest available scale of assessment adopted by the United Nations General Assembly.

Resolution concerning the management of the ILO Staff Pensions Fund

The General Conference of the International Labour Organization,

Recalling its resolution of 9 October 1946 by which it adopted revised Staff Pensions Regulations, under which, in particular, the Staff Pensions Fund became the property of the International Labour Organization to be administered for the purposes of the Regulations and managed by an Administrative Board,

Reaffirming the International Labour Organization's guarantee, in article 13 of the Regulations, of the payment of all annuities or capital sums due under those Regulations,

Considering that management by an Administrative Board is no longer justified having regard to the small number of beneficiaries and to the absence in recent years of any direct participation of the latter on the Board;

1. Decides —

(a) that the International Labour Office shall, under the supervision of its Governing Body, to which it shall annually report, henceforth have direct responsibility for the management of the Staff Pensions Fund and for the payment of benefits in accordance with the substantive provisions of the Regulations;

(b) that the pension adjustment system for the United Nations Joint Staff Pension Fund shall continue to be applied to benefits due under the Regulations and that any subsequent improvements in that system shall be reflected in the payment of those benefits.

2. Hereby abrogates, without prejudice to operative paragraph 1 above, all provisions of the Staff Pensions Regulations that are inconsistent with the present resolution or with any decision that may be adopted by the Governing Body pursuant to it.

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization

The General Conference of the International Labour Organization,

Expressing its profound appreciation to Sir William Douglas and Mr. Edilbert Razafindralambo of the services which they have diligently and consistently rendered for 15 years to the international community;

Decides, in accordance with Article III of the Statute of the Administrative Tribunal of the International Labour Organization, to appoint as judges of the Administrative Tribunal for a term of three years with effect from 1 July 1997 and, for the sake of uniformity, until 31 July 2000:

— Mr. Seydou Ba (Senegal);

— Mr. James K. Hugessen (Canada).

Resolution concerning the adoption of the Programme and Budget for 1998-99 and the allocation of the budget of income among member States

The General Conference of the International Labour Organization:

(a) in virtue of the Financial Regulations, adopts for the 66th financial period, ending 31 December 1999, the budget of expenditure for the International Labour Organization amounting to US$481,050,000 and the budget of income amounting to US$481,050,000, which, at the budget rate of exchange of 1.46 Swiss francs to the US dollar, amounts to 702,333,000 Swiss francs.

(b) bearing in mind —

— that, in adopting the budgets of income and expenditure for the 65th financial period, the General Conference requested the Director-General to present proposals to the Programme, Financial and Administrative Committee for adjustments to the budget of expenditure;

- that the Governing Body, at its 264th (November 1995) Session, accordingly agreed to make downward adjustments amounting to US$21,704,950;
- that, in consequence, if the budget of income is fully received, it is expected that there will be a budgetary surplus for the 65th financial period arising from the downward adjustments and amounting to US$21,704,950, which, at the budget rate of exchange for that financial period, would amount to 25,177,742 Swiss francs;

the General Conference resolves —

- that, in derogation from article 18 of the Financial Regulations, the said expected budgetary surplus of 25,177,742 Swiss francs shall be treated as budgetary income for 1998;
- that, in derogation from article 10.1 of the Financial Regulations, the remainder of the budget of income, denominated in Swiss francs, shall be financed from contributions from member States amounting to 338,577,629 Swiss francs in 1998 and 338,577,629 Swiss francs in 1999, allocated among member States in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives for those years; and
- that, should the said budgetary surplus be less than 25,177,742 Swiss francs, arrears of contributions received shall be used to finance the income budget for the 66th financial period, subject however to the resolution adopted by the General Conference at its 82nd Session (June 1995) concerning the utilization of arrears of contributions to cover budgetary deficits.

Appendix I

Scales of Assessment

	State (Alphabetical order)	ILO Approved scale of assessments for 1997 Col. 1 %	UN Revised scale of assessments for 1997 * Col. 2 %	ILO Draft scale of assessments for 1998 Col. 3 %	Increase (decrease) between Cols. 1 & 3 Col. 4 %
1	Afghanistan	0.01	0.01	0.01	-
2	Albania	0.01	0.01	0.01	-
3	Algeria	0.16	0.16	0.16	-
4	Angola	0.01	0.01	0.01	-
5	Antigua and Barbuda	0.01	0.01	0.01	-
6	Argentina	0.47	0.48	0.47	-
7	Armenia	0.05	0.05	0.05	-
8	Australia	1.46	1.48	1.46	-
9	Austria	0.86	0.87	0.86	-
10	Azerbaijan	0.11	0.11	0.11	-
11	Bahamas	0.02	0.02	0.02	-
12	Bahrain	0.02	0.02	0.02	-
13	Bangladesh	0.01	0.01	0.01	-
14	Barbados	0.01	0.01	0.01	-
15	Belarus	0.27	0.28	0.27	-
16	Belgium	0.99	1.01	0.99	-
17	Belize	0.01	0.01	0.01	-
18	Benin	0.01	0.01	0.01	-
19	Bolivia	0.01	0.01	0.01	-
20	Bosnia and Herzegovina	0.01	0.01	0.01	-
21	Botswana	0.01	0.01	0.01	-
22	Brazil	1.60	1.62	1.60	-
23	Bulgaria	0.08	0.08	0.08	-
24	Burkina Faso	0.01	0.01	0.01	-
25	Burundi	0.01	0.01	0.01	-
26	Cambodia	0.01	0.01	0.01	-
27	Cameroon	0.01	0.01	0.01	-
28	Canada	3.07	3.11	3.07	-
29	Cape Verde	0.01	0.01	0.01	-
30	Central African Republic	0.01	0.01	0.01	-
31	Chad	0.01	0.01	0.01	-
32	Chile	0.08	0.08	0.08	-
33	China	0.73	0.74	0.73	-
34	Colombia	0.10	0.10	0.10	-
35	Comoros	0.01	0.01	0.01	-
36	Congo	0.01	0.01	0.01	-
37	Costa Rica	0.01	0.01	0.01	-
38	Côte d'Ivoire	0.01	0.01	0.01	-
39	Croatia	0.09	0.09	0.09	-
40	Cuba	0.05	0.05	0.05	-
41	Cyprus	0.03	0.03	0.03	-
42	Czech Republic	0.25	0.25	0.25	-
43	Denmark	0.71	0.72	0.71	-
44	Djibouti	0.01	0.01	0.01	-
45	Dominica	0.01	0.01	0.01	-
46	Dominican Republic	0.01	0.01	0.01	-
47	Ecuador	0.02	0.02	0.02	-
48	Egypt	0.08	0.08	0.08	-
49	El Salvador	0.01	0.01	0.01	-
50	Equitorial Guinea	0.01	0.01	0.01	-
51	Eritrea	0.01	0.01	0.01	-
52	Estonia	0.04	0.04	0.04	-
53	Ethiopia	0.01	0.01	0.01	-
54	Fiji	0.01	0.01	0.01	-
55	Finland	0.61	0.62	0.61	-
56	France	6.33	6.42	6.33	-
57	Gabon	0.01	0.01	0.01	-
58	Gambia	0.01	0.01	0.01	-
59	Georgia	0.11	0.11	0.11	-
60	Germany	8.93	9.06	8.93	-
61	Ghana	0.01	0.01	0.01	-
62	Greece	0.37	0.38	0.37	-

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* Revised to include members of the ILO which are not members of the UN and exclude members of the UN which are not members of the ILO.

Scales of Assessment

	State (Alphabetical order)	ILO Approved scale of assessments for 1997 Col. 1 %	UN Revised scale of assessments for 1997 * Col. 2 %	ILO Draft scale of assessments for 1998 Col. 3 %	Increase (decrease) between Cols. 1 & 3 Col. 4 %
63	Grenada	0.01	0.01	0.01	-
64	Guatemala	0.02	0.02	0.02	-
65	Guinea	0.01	0.01	0.01	-
66	Guinea-Bissau	0.01	0.01	0.01	-
67	Guyana	0.01	0.01	0.01	-
68	Haiti	0.01	0.01	0.01	-
69	Honduras	0.01	0.01	0.01	-
70	Hungary	0.14	0.14	0.14	-
71	Iceland	0.03	0.03	0.03	-
72	India	0.30	0.31	0.30	-
73	Indonesia	0.14	0.14	0.14	-
74	Iran, Islamic Republic of	0.44	0.45	0.44	-
75	Iraq	0.14	0.14	0.14	-
76	Ireland	0.21	0.21	0.21	-
77	Israel	0.26	0.27	0.26	-
78	Italy	5.18	5.25	5.18	-
79	Jamaica	0.01	0.01	0.01	-
80	Japan	15.43	15.65	15.43	-
81	Jordan	0.01	0.01	0.01	-
82	Kazakhstan	0.19	0.19	0.19	-
83	Kenya	0.01	0.01	0.01	-
84	Korea, Republic of	0.81	0.82	0.81	-
85	Kuwait	0.19	0.19	0.19	-
86	Kyrgyzstan	0.03	0.03	0.03	-
87	Lao People's Democratic Republic	0.01	0.01	0.01	-
88	Latvia	0.08	0.08	0.08	-
89	Lebanon	0.01	0.01	0.01	-
90	Lesotho	0.01	0.01	0.01	-
91	Liberia	0.01	0.01	0.01	-
92	Libyan Arab Jamahiriya	0.20	0.20	0.20	-
93	Lithuania	0.08	0.08	0.08	-
94	Luxembourg	0.07	0.07	0.07	-
95	Madagascar	0.01	0.01	0.01	-
96	Malawi	0.01	0.01	0.01	-
97	Malaysia	0.14	0.14	0.14	-
98	Mali	0.01	0.01	0.01	-
99	Malta	0.01	0.01	0.01	-
100	Mauritania	0.01	0.01	0.01	-
101	Mauritius	0.01	0.01	0.01	-
102	Mexico	0.78	0.79	0.78	-
103	Moldovia, Republic of	0.08	0.08	0.08	-
104	Mongolia	0.01	0.01	0.01	-
105	Morocco	0.03	0.03	0.03	-
106	Mozambique	0.01	0.01	0.01	-
107	Myanmar	0.01	0.01	0.01	-
108	Namibia	0.01	0.01	0.01	-
109	Nepal	0.01	0.01	0.01	-
110	Netherlands	1.57	1.59	1.57	-
111	New Zealand	0.24	0.24	0.24	-
112	Nicaragua	0.01	0.01	0.01	-
113	Niger	0.01	0.01	0.01	-
114	Nigeria	0.11	0.11	0.11	-
115	Norway	0.55	0.56	0.55	-
116	Oman	0.04	0.04	0.04	-
117	Pakistan	0.06	0.06	0.06	-
118	Panama	0.01	0.01	0.01	-
119	Papua New Guinea	0.01	0.01	0.01	-
120	Paraguay	0.01	0.01	0.01	-
121	Peru	0.06	0.06	0.06	-
122	Phillipines	0.06	0.06	0.06	-
123	Poland	0.32	0.33	0.32	-
124	Portugal	0.27	0.28	0.27	-

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Scales of Assessment

	State (Alphabetical order)	ILO Approved scale of assessments for 1997 Col. 1 %	UN Revised scale of assessments for 1997 * Col. 2 %	ILO Draft scale of assessments for 1998 Col. 3 %	Increase (decrease) between Cols. 1 & 3 Col. 4 %
125	Qatar	0.04	0.04	0.04	-
126	Romania	0.15	0.15	0.15	-
127	Russian Federation	4.21	4.27	4.21	-
128	Rwanda	0.01	0.01	0.01	-
129	Saint Kitts and Nevis	-	0.01	0.01	0.01
130	Saint Lucia	0.01	0.01	0.01	-
131	Saint Vincent and the Grenadines	0.01	0.01	0.01	-
132	San Marino	0.01	0.01	0.01	-
133	Sao Tome and Principe	0.01	0.01	0.01	-
134	Saudi Arabia	0.70	0.71	0.70	-
135	Senegal	0.01	0.01	0.01	-
136	Seychelles	0.01	0.01	0.01	-
137	Sierra Leone	0.01	0.01	0.01	-
138	Singapore	0.14	0.14	0.14	-
139	Slovakia	0.08	0.08	0.08	-
140	Slovenia	0.07	0.07	0.07	-
141	Solomon Islands	0.01	0.01	0.01	-
142	Somalia	0.01	0.01	0.01	-
143	South Africa	0.31	0.32	0.31	-
144	Spain	2.35	2.38	2.35	-
145	Sri Lanka	0.01	0.01	0.01	-
146	Sudan	0.01	0.01	0.01	-
147	Suriname	0.01	0.01	0.01	-
148	Swaziland	0.01	0.01	0.01	-
149	Sweden	1.21	1.23	1.21	-
150	Switzerland	1.19	1.21	1.19	-
151	Syrian Arab Republic	0.05	0.05	0.05	-
152	Tajikistan	0.02	0.02	0.02	-
153	Tanzania, United Republic of	0.01	0.01	0.01	-
154	Thailand	0.13	0.13	0.13	-
155	The form. Yug. Rep. of Macedonia	0.01	0.01	0.01	-
156	Togo	0.01	0.01	0.01	-
157	Trinidad and Tobago	0.03	0.03	0.03	-
158	Tunisia	0.03	0.03	0.03	-
159	Turkey	0.37	0.38	0.37	-
160	Turkmenistan	0.03	0.03	0.03	-
161	Uganda	0.01	0.01	0.01	-
162	Ukraine	1.07	1.09	1.07	-
163	United Arab Emirates	0.19	0.19	0.19	-
164	United Kingdom	5.25	5.32	5.24	(0.01)
165	United States	25.00	25.00	25.00	-
166	Uruguay	0.04	0.04	0.04	-
167	Uzbekistan	0.13	0.13	0.13	-
168	Venezuela	0.32	0.33	0.32	-
169	Viet Nam	0.01	0.01	0.01	-
170	Yemen	0.01	0.01	0.01	-
171	Yugoslavia	0.10	0.10	0.10	-
172	Zaire	0.01	0.01	0.01	-
173	Zambia	0.01	0.01	0.01	-
174	Zimbabwe	0.01	0.01	0.01	-
	TOTAL	100.00	101.05	100.00	-

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Appendix II

PROPOSED SUMMARIZED BUDGET OF EXPENDITURE AND INCOME FOR 1998-99

	Expenditure			Income			
	1996-97 Budget	1998-99 Estimates		1996-97 Budget		1998-99 Estimates	
	in US$	in US$		in US$	in SF	in US$	in SF
Part I			1998				
Ordinary Budget	578 625 000	480 175 000	1996-97 Cash surplus			17 245 028	25 177 742
			Contributions from member States	289 750 000	336 110 000	231 902 486	338 577 629
Part II				289 750 000	336 110 000	249 147 514	363 755 371
			1999				
Unforeseen Expenditure	875 000	875 000	Contributions from member States	289 750 000	336 110 000	231 902 486	338 577 629
EFFECTIVE WORKING BUDGET	579 500 000	481 050 000		579 500 000	672 220 000	481 050 000	702 333 000

Appendix III

PROPOSED EXPENDITURE BUDGET FOR 1998-99 BY MAJOR PROGRAMME
(IN US DOLLARS)

ITEM	TITLE	1996-97 BUDGET	1998-99 ESTIMATES (IN CONSTANT 1996-97 DOLLARS)	1998-99 ESTIMATES (RECOSTED) 1.16 TO 1.46
	PART I. ORDINARY BUDGET			
10	INTERNATIONAL LABOUR CONFERENCE	15,815,671	12,464,286	10,330,131
20	GOVERNING BODY	2,766,718	2,846,718	2,261,778
30	MAJOR REGIONAL MEETINGS	3,253,264	838,634	810,804
40	GENERAL MANAGEMENT	9,488,450	9,440,865	7,837,894
50	INTERNATIONAL LABOUR STANDARDS AND HUMAN RIGHTS	23,808,796	23,026,679	19,744,819
60	EMPLOYMENT AND TRAINING	28,190,425	27,428,483	23,552,009
65	ENTERPRISE AND COOPERATIVE DEVELOPMENT	12,137,226	11,942,642	10,301,214
75	TURIN CENTRE	5,130,000	4,925,000	5,130,000
80	INDUSTRIAL RELATIONS AND LABOUR ADMINISTRATION	12,803,716	13,577,466	11,628,845
85	MULTINATIONAL ENTERPRISES	1,302,629	1,295,842	1,113,433
90	WORKING CONDITIONS AND ENVIRONMENT	20,384,037	19,267,424	16,570,956
100	SECTORAL ACTIVITIES	17,672,696	13,907,354	11,771,118
110	SOCIAL SECURITY	8,269,579	8,725,984	7,494,110
115	INTERNATIONAL SOCIAL SECURITY ASSOCIATION	724,600	-	-
120	STATISTICS	9,035,080	8,728,281	7,282,463
125	DEVELOPMENT POLICIES	7,936,235	7,580,483	6,561,962
130	INTERNATIONAL INSTITUTE FOR LABOUR STUDIES	6,021,750	5,783,500	5,079,930
140	EQUALITY FOR WOMEN	871,013	1,296,226	1,118,250
145	INTERDEPARTMENTAL ACTIVITIES	1,240,350	1,460,451	1,330,263
160	PERSONNEL	18,751,715	18,866,102	15,864,153
170	FINANCIAL SERVICES	15,406,385	14,852,646	12,103,599
175	INTERNAL ADMINISTRATION	46,608,340	42,284,864	34,253,210
180	PUBLICATIONS	9,238,340	7,035,523	5,970,321
185	INFORMATION TECHNOLOGY AND COMMUNICATIONS	15,552,272	14,821,367	12,503,261
190	LIBRARY AND DOCUMENTATION	9,571,250	9,148,921	7,744,363

200	PROGRAMMING AND MANAGEMENT	6,356,931	5,971,242	5,125,721
210	LEGAL SERVICES	3,224,768	3,186,792	2,703,986
220	RELATIONS, MEETINGS AND DOCUMENT SERVICES	67,433,413	60,181,149	49,529,687
225	EMPLOYERS' ACTIVITIES	5,805,717	5,612,036	5,127,634
230	WORKERS' ACTIVITIES	16,254,763	15,677,325	14,472,652
235	PUBLIC INFORMATION	6,243,077	5,948,388	5,072,527
240	INTERNATIONAL RELATIONS	4,417,068	4,365,650	3,939,268
245	ACTIVE PARTNERSHIP AND TECHNICAL COOPERATION	4,390,636	3,739,618	3,180,261
250	FIELD PROGRAMMES IN AFRICA	42,395,999	42,175,667	39,615,698
260	FIELD PROGRAMMES IN THE AMERICAS	37,403,162	37,273,798	36,643,947
265	FIELD PROGRAMMES IN ARAB STATES	8,498,506	8,508,122	7,985,753
270	FIELD PROGRAMMES IN ASIA AND THE PACIFIC	39,911,608	39,825,509	39,420,668
280	FIELD PROGRAMMES IN EUROPE AND CENTRAL ASIA	13,023,916	13,593,478	12,478,546
290	OTHER BUDGETARY PROVISIONS	25,959,010	23,307,218	20,636,500
	ADJUSTMENT FOR STAFF TURNOVER	(4,674,111)	(4,674,111)	(4,116,734)
	TOTAL OF PART I	578,625,000	546,237,622	480,175,000
	PART II. UNFORESEEN EXPENDITURE			
295	UNFORESEEN EXPENDITURE	875,000	875,000	875,000
	PART III. WORKING CAPITAL FUND			
296	WORKING CAPITAL FUND	-	-	-
	TOTAL (PARTS I-III)	579,500,000	547,112,622	481,050,000

Appendix IV

Scales of Assessment

INCOME BUDGET FOR 1998-99
STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1998
(In Swiss francs)

	Member State	Assessed Contribution for 1998		Earned Credits Distributed in Respect of:							Net Contribution for 1998
				1996 Incentive Scheme	1990 - 91		1992 - 93		1994-95 Net Premium	Total Credits	
		%	Amount		Net Premium	Cash Surplus	Net Premium	Cash Surplus			
1	Afghanistan	0.01	33,858		535	705	93	249		1,582	32,276
2	Albania	0.01	33,858	8						8	33,850
3	Algeria	0.16	541,724	765						765	540,959
4	Angola	0.01	33,858							0	33,858
5	Antigua and Barbuda	0.01	33,858							0	33,858
6	Argentina	0.47	1,591,315							0	1,591,315
7	Armenia	0.05	169,289							0	169,289
8	Australia	1.46	4,943,233	8,550						8,550	4,934,683
9	Austria	0.86	2,911,768	3,352						3,352	2,908,416
10	Azerbaijan	0.11	372,435							0	372,435
11	Bahamas	0.02	67,716	115						115	67,601
12	Bahrain	0.02	67,716	4					818	822	66,894
13	Bangladesh	0.01	33,858	38						38	33,820
14	Barbados	0.01	33,858	28						28	33,830
15	Belarus	0.27	914,160							0	914,160
16	Belgium	0.99	3,351,919	5,547						5,547	3,346,372
17	Belize	0.01	33,858							0	33,858
18	Benin	0.01	33,858	16						16	33,842
19	Bolivia	0.01	33,858							0	33,858
20	Bosnia and Herzegovina	0.01	33,858							0	33,858
21	Botswana	0.01	33,858	45						45	33,813
22	Brazil	1.60	5,417,242							0	5,417,242
23	Bulgaria	0.08	270,862							0	270,862
24	Burkina Faso	0.01	33,858				93	249	272	614	33,244
25	Burundi	0.01	33,858							0	33,858
26	Cambodia	0.01	33,858	53						53	33,805
27	Cameroon	0.01	33,858				93	249	272	614	33,244
28	Canada	3.07	10,394,333	17,923						17,923	10,376,410
29	Cape Verde	0.01	33,858							0	33,858
30	Central African Republic	0.01	33,858							0	33,858
31	Chad	0.01	33,858							0	33,858
32	Chile	0.08	270,862	71					2,179	2,250	268,612
33	China	0.73	2,471,617	639						639	2,470,978
34	Colombia	0.10	338,578	2					3,541	3,543	335,035
35	Comoros	0.01	33,858							0	33,858
36	Congo	0.01	33,858							0	33,858
37	Costa Rica	0.01	33,858						272	272	33,586
38	Côte d'Ivoire	0.01	33,858				185	498	545	1,228	32,630
39	Croatia	0.09	304,720				906	2,439		3,345	301,375
40	Cuba	0.05	169,289				833	2,243		3,076	166,213
41	Cyprus	0.03	101,573	166						166	101,407
42	Czech Republic	0.25	846,444	757						757	845,687
43	Denmark	0.71	2,403,901	3,971						3,971	2,399,930
44	Djibouti	0.01	33,858							0	33,858

INCOME BUDGET FOR 1998-99

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1998

(In Swiss francs)

	Member State	Assessed Contribution for 1998		Earned Credits Distributed in Respect of:							Net Contribution for 1998
				1996	1990 - 91		1992 - 93		1994-95		
		%	Amount	Incentive Scheme	Net Premium	Cash Surplus	Net Premium	Cash Surplus	Net Premium	Total Credits	
45	Dominica	0.01	33,858				93	249		342	33,516
46	Dominican Republic	0.01	33,858							0	33,858
47	Ecuador	0.02	67,716				278	748		1,026	66,690
48	Egypt	0.08	270,862	404						404	270,458
49	El Salvador	0.01	33,858	8					272	280	33,578
50	Equatorial Guinea	0.01	33,858							0	33,858
51	Eritrea	0.01	33,858	1					272	273	33,585
52	Estonia	0.04	135,431				638	1,716	1,907	4,261	131,170
53	Ethiopia	0.01	33,858	54						54	33,804
54	Fiji	0.01	33,858	57						57	33,801
55	Finland	0.61	2,065,324	3,511						3,511	2,061,813
56	France	6.33	21,431,964	33,841						33,841	21,398,123
57	Gabon	0.01	33,858							0	33,858
58	Gambia	0.01	33,858						82	82	33,776
59	Georgia	0.11	372,435							0	372,435
60	Germany	8.93	30,234,982	30,609						30,609	30,204,373
61	Ghana	0.01	33,858							0	33,858
62	Greece	0.37	1,252,737						9,398	9,398	1,243,339
63	Grenada	0.01	33,858							0	33,858
64	Guatemala	0.02	67,716							0	67,716
65	Guinea	0.01	33,858	46						46	33,812
66	Guinea-Bissau	0.01	33,858							0	33,858
67	Guyana	0.01	33,858						272	272	33,586
68	Haiti	0.01	33,858		535	705	93	249		1,582	32,276
69	Honduras	0.01	33,858						272	272	33,586
70	Hungary	0.14	474,009	797						797	473,212
71	Iceland	0.03	101,573	151						151	101,422
72	India	0.30	1,015,733	1,720						1,720	1,014,013
73	Indonesia	0.14	474,009	809						809	473,200
74	Iran, Islamic Republic of	0.44	1,489,742				6,666	17,947		24,613	1,465,129
75	Iraq	0.14	474,009							0	474,009
76	Ireland	0.21	711,013	1,179						1,179	709,834
77	Israel	0.26	880,302							0	880,302
78	Italy	5.18	17,538,321	28,766						28,766	17,509,555
79	Jamaica	0.01	33,858	56						56	33,802
80	Japan	15.43	52,242,528	5,754						5,754	52,236,774
81	Jordan	0.01	33,858	4						4	33,854
82	Kazakstan	0.19	643,297							0	643,297
83	Kenya	0.01	33,858							0	33,858
84	Korea, Republic of	0.81	2,742,479						18,659	18,659	2,723,820
85	Kuwait	0.19	643,297							0	643,297
86	Kyrgyzstan	0.03	101,573							0	101,573
87	Lao, People's Democratic Republic	0.01	33,858	43					272	315	33,543
88	Latvia	0.08	270,862							0	270,862
89	Lebanon	0.01	33,858						272	272	33,586

INCOME BUDGET FOR 1998-99

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1998

(In Swiss francs)

	Member State	Assessed Contribution for 1998		1996 Incentive Scheme	Earned Credits Distributed in Respect of:						Net Contribution for 1998
					1990 - 91		1992 - 93		1994-95		
		%	Amount		Net Premium	Cash Surplus	Net Premium	Cash Surplus	Net Premium	Total Credits	
90	Lesotho	0.01	33,858	11					272	283	33,575
91	Liberia	0.01	33,858							0	33,858
92	Libyan Arab Jamahiriya	0.20	677,155				2,408	6,480	6,538	15,426	661,729
93	Lithuania	0.08	270,862				1,389	3,739		5,128	265,734
94	Luxembourg	0.07	237,004	393						393	236,611
95	Madagascar	0.01	33,858		535	705	93	249		1,582	32,276
96	Malawi	0.01	33,858	44					272	316	33,542
97	Malaysia	0.14	474,009	641						641	473,368
98	Mali	0.01	33,858							0	33,858
99	Malta	0.01	33,858	57						57	33,801
100	Mauritania	0.01	33,858				93	249	272	614	33,244
101	Mauritius	0.01	33,858	57						57	33,801
102	Mexico	0.78	2,640,906	538					23,834	24,372	2,616,534
103	Moldova, Republic of	0.08	270,862							0	270,862
104	Mongolia	0.01	33,858	57						57	33,801
105	Morocco	0.03	101,573						818	818	100,755
106	Mozambique	0.01	33,858						272	272	33,586
107	Myanmar	0.01	33,858	57						57	33,801
108	Namibia	0.01	33,858	59						59	33,799
109	Nepal	0.01	33,858	58						58	33,800
110	Netherlands	1.57	5,315,669	8,915						8,915	5,306,754
111	New Zealand	0.24	812,586	1,240						1,240	811,346
112	Nicaragua	0.01	33,858	9					272	281	33,577
113	Niger	0.01	33,858						272	272	33,586
114	Nigeria	0.11	372,435				1,852	4,985		6,837	365,598
115	Norway	0.55	1,862,177	3,119						3,119	1,859,058
116	Oman	0.04	135,431	206						206	135,225
117	Pakistan	0.06	203,147						1,635	1,635	201,512
118	Panama	0.01	33,858	54						54	33,804
119	Papua New Guinea	0.01	33,858	57						57	33,801
120	Paraguay	0.01	33,858							0	33,858
121	Peru	0.06	203,147						1,635	1,635	201,512
122	Philippines	0.06	203,147						1,907	1,907	201,240
123	Poland	0.32	1,083,448	1,789						1,789	1,081,659
124	Portugal	0.27	914,160							0	914,160
125	Qatar	0.04	135,431	185					1,362	1,547	133,884
126	Romania	0.15	507,866	657						657	507,209
127	Russian Federation	4.21	14,254,118				78,724	211,892		290,616	13,963,502
128	Rwanda	0.01	33,858		535	705	93	249		1,582	32,276
129	Saint Kitts and Nevis	0.01	33,858	4						4	33,854
130	Saint Lucia	0.01	33,858	48						48	33,810
131	Saint Vincent and the Grenadines	0.01	33,858						81	81	33,777
132	San Marino	0.01	33,858	55						55	33,803
133	Sao Tome and Principe	0.01	33,858							0	33,858
134	Saudi Arabia	0.70	2,370,043	3,628						3,628	2,366,415

INCOME BUDGET FOR 1998-99

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1998

(In Swiss francs)

	Member State	Assessed Contribution for 1998		Earned Credits Distributed in Respect of:							Net Contribution for 1998
				1996 Incentive Scheme	1990 - 91		1992 - 93		1994-95 Net Premium	Total Credits	
		%	Amount		Net Premium	Cash Surplus	Net Premium	Cash Surplus			
135	Senegal	0.01	33,858							0	33,858
136	Seychelles	0.01	33,858				93	249		342	33,516
137	Sierra Leone	0.01	33,858							0	33,858
138	Singapore	0.14	474,009	680						680	473,329
139	Slovakia	0.08	270,862	477						477	270,385
140	Slovenia	0.07	237,004	403						403	236,601
141	Solomon Islands	0.01	33,858							0	33,858
142	Somalia	0.01	33,858							0	33,858
143	South Africa	0.31	1,049,591	1,681						1,681	1,047,910
144	Spain	2.35	7,956,574	12,258						12,258	7,944,316
145	Sri Lanka	0.01	33,858	52						52	33,806
146	Sudan	0.01	33,858						272	272	33,586
147	Suriname	0.01	33,858				93	249	272	614	33,244
148	Swaziland	0.01	33,858						272	272	33,586
149	Sweden	1.21	4,096,789	6,993						6,993	4,089,796
150	Switzerland	1.19	4,029,074	6,872						6,872	4,022,202
151	Syrian Arab Republic	0.05	169,289	51						51	169,238
152	Tajikistan	0.02	67,716							0	67,716
153	Tanzania, United Republic of	0.01	33,858							0	33,858
154	Thailand	0.13	440,151	155						155	439,996
155	The former Yug. Rep. of Macedonia	0.01	33,858				55	149		204	33,654
156	Togo	0.01	33,858							0	33,858
157	Trinidad and Tobago	0.03	101,573	173					1,362	1,535	100,038
158	Tunisia	0.03	101,573						818	818	100,755
159	Turkey	0.37	1,252,737						7,219	7,219	1,245,518
160	Turkmenistan	0.03	101,573							0	101,573
161	Uganda	0.01	33,858						272	272	33,586
162	Ukraine	1.07	3,622,781				11,158	30,035		41,193	3,581,588
163	United Arab Emirates	0.19	643,297	903					5,720	6,623	636,674
164	United Kingdom	5.24	17,741,468	8,415						8,415	17,733,053
165	United States	25.00	84,644,407						680,972	680,972	83,963,435
166	Uruguay	0.04	135,431				370	997		1,367	134,064
167	Uzbekistan	0.13	440,151							0	440,151
168	Venezuela	0.32	1,083,448						13,211	13,211	1,070,237
169	Viet Nam	0.01	33,858	53						53	33,805
170	Yemen	0.01	33,858				93	249		342	33,516
171	Yugoslavia	0.10	338,578							0	338,578
172	Zaire	0.01	33,858				93	249	272	614	33,244
173	Zambia	0.01	33,858				93	249	272	614	33,244
174	Zimbabwe	0.01	33,858	52						52	33,806
	TOTAL	100	338,577,629	211,016	2,140	2,820	106,671	287,105	789,953	1,399,705	337,177,924

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International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

16(Rev.)

Fourth item on the agenda: Revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)

Report of the Committee on the Revision of Convention No. 96

1. The Committee on the Revision of Convention No. 96 was set up by the Conference at its first sitting on 4 June 1997 to consider the fourth item on its agenda, the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96).

2. The Committee was originally composed of 175 members (85 Government members, 37 Employer members and 53 Worker members). To achieve equality of voting strength, each Government member with the right to vote was allotted 1,961 votes, each Employer member 4,505 votes and each Worker member 3,145 votes. The composition of the Committee was modified eight times during the session and the number of votes attributed to each member was adjusted accordingly.[1]

3. The Committee elected the following Officers:

Chairperson: Mr. M. Ramond (Government member, France);

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[1] The following adjustments were made:

(a) 5 June (a.m.): 175 members (88 Government members with 280 votes each, 30 Employer members with 836 votes each and 57 Worker members with 440 votes each);

(b) 5 June (p.m.): 177 members (90 Government members with 19 votes each, 30 Employer members with 57 votes each and 57 Worker members with 30 votes each);

(c) 6 June: 165 members (90 Government members with 1 vote each, 30 Employer members with 3 votes each and 45 Worker members with 2 votes each);

(d) 7 June: 152 members (90 Government members with 817 votes each, 19 Employer members with 3,870 votes each and 43 Worker members with 1,710 votes each);

(e) 9 June: 142 members (90 Government members with 209 votes each, 19 Employer members with 990 votes each and 33 Worker members with 570 votes each);

(f) 10 June: 141 members (90 Government members with 11 votes each, 18 Employer members with 55 votes each and 33 Worker members with 30 votes each);

(g) 11 June: 136 members (90 Government members with 8 votes each, 16 Employer members with 45 votes each and 30 Worker members with 24 votes each);

(h) 12 June: 132 members (90 Government members with 3 votes each, 15 Employer members with 18 votes each and 27 Worker members with 10 votes each);

(i) 16 June: 129 members (90 Government members with 4 votes each, 15 Employer members with 24 votes each and 24 Worker members with 15 votes each).

Vice-Chairpersons: Mr. O. Magnussen (Employer member, Norway); and Ms. P. O'Donovan (Worker member, Ireland);

Reporter: Ms. P. Maesela (Government member, South Africa).

4. At its 13th sitting the Committee appointed a Drafting Committee composed of the following members: Mr. P. Hadley (Government member, United Kingdom), Mr. O. Magnussen (Employer member, Norway), Mrs. P. O'Donovan (Worker member, Ireland) and the Reporter of the Committee.

5. The Committee had before it Reports IV(1) and IV(2) entitled "Revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)", which had been prepared by the Office for consideration by the Conference as the fourth item of its agenda. These reports were used as a basis for the Committee's discussions. The proposed text for the Convention and Recommendation contained therein had been prepared by the Office on the basis of the conclusions adopted by the Committee on Private Employment Agencies, which had convened at the 81st Session of the International Labour Conference in 1994.

6. The Committee held 19 sittings.

7. Opening the discussion, the Chairperson thanked the Committee for the confidence it placed in him. He was optimistic about the outcome of the meeting and stressed three points: (1) the proposed new instrument was breaking new ground; it was important that it should be a "living" Convention; (2) the instrument should balance the various interests of employers and workers. Temporary work agencies (TWA) should be made lawful and the ILO would serve as a guarantor of universal justice; and (3) the new instrument would be commensurate with the recommendations to streamline standard setting, made by the Director-General in his Report to the Conference in 1997. He also stated that although consensus had been reached in 1994, the task of the Committee would not be entirely free of difficulties because of the existing ways of thinking and working, and the various definitions and terminologies contained in the proposed text.

General discussion

8. Introducing the two Reports (IV(1) and IV(2)) entitled "Revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)", the representative of the Secretary-General noted that they had been drafted in the light of the discussions held on the role of private employment agencies (PREA) in the functioning of labour markets held at the 81st Session of the International Labour Conference in 1994 and the unanimously adopted conclusions; Report IV(2) summarized the official communications received in reply to the questionnaire in Report IV(1) which had provided very valuable insights into the operations of fee-charging private employment agencies. She recalled that in 1994, most of the members of the Committee found that, with one exception, the principles underlying Convention No. 96 no longer corresponded to the realities of modern labour markets. The exception was that employment agencies should not charge fees to jobseekers. This principle was reaffirmed in Article 6, paragraph 1, of the proposed Convention. Accordingly, the revised standard should pursue the following five objectives:

- firstly, set the pattern for response to the dynamics of changing labour market functions and recall the role of its actors;
- secondly, draw up general parameters to describe the main actors, namely the public employment services (PES) and private employment agencies (PREA), as well as the nature of the relationship both between themselves and with their clients;
- thirdly, establish general principles and provide guidance that protect: (i) labour markets against poor and unethical practices; (ii) workers' interests, including where the stability of industrial relations systems might be affected by some practices of PREA, for instance, in the context of triangular employment relationships such as contract labour, temporary work agencies (TWA) and staff-leasing arrangements; and (iii) workers recruited in one country for work in another;
- fourthly, create environments that allow for the improved functioning of all employment agencies;
- fifthly, ensure that national governments were free to determine how the above objectives were met.

Based on this clear framework for the revision of Convention No. 96, the proposed text set out to eliminate existing gaps in legislation concerning the functioning of PREA, and at the same time to allow for adjustment to national conditions. This purpose was particularly reflected in the first three Articles of the proposed text for a Convention which provided a definition of PREA, defined the scope of the instrument and pointed out that the legal status of such agencies was to be determined according to national law and practice. The contribution of bona fide PREA to a well-functioning labour market was recognized in the Preamble and their role had been specified in the proposed text of the instruments. The text not only contained specific measures for the protection of workers which were of general relevance to all PREA but also sought to improve the functioning and governance of labour markets through the collaboration of public and private services. In addition, areas of complementarity with other labour standards had been clearly identified. She hoped that a relatively short Convention with a supplementary Recommendation would result in a wide ratification of this first modern standard on labour market services. The Recommendation took account of the maturity of the labour market concerned, attaching much importance to tripartite involvement in the formulation of technical standards, guidelines, codes of ethics and self-regulatory measures. It also identified specific areas which were prone to poor practices by PREA, and listed several specific measures for improving cooperation between the PES and PREA.

9. The Worker Vice-Chairperson recalled that the decision to revise Convention No. 96 had not been taken lightly. Ten years ago an ILO survey revealing that many new types of PREA were emerging and giving rise to problems of abuse and malpractice had prompted the ILO Governing Body to propose that there should be a general discussion on this issue at the 81st Session of the Conference (1994). This resulted in a consensus in favour of the revision of Convention No. 96. However, this consensus was reached on the understanding that the revised standard should achieve a balance between the needs to establish a new institutional framework for PREA and the need to protect workers against the possible abuses committed by these agencies. The Workers' group felt it was vital that the new standards should provide adequate protection for all workers and jobseekers, regardless of their relationship with the various parties concerned. The work of this Committee was to build on the work done in 1994 and to keep faith with those conclusions. She stressed the importance of abiding by the fundamental principle, which guided the first instruments specifically concerning the operations of private agencies adopted in 1933, that "labour is not a commodity". Consequently, workers should not have to pay to work. Labour standards should be governed by standards different from those that governed commodity markets. Balancing supply and demand at any cost was unacceptable; this implied that human dignity and social justice were cast aside. Discussions in the Workers' group had revealed that although there was evidence of many positive contributions by PREA, there was an overwhelming feeling that they tended to bring abuse and malpractice in their wake. She listed a number of abuses by employment agencies which had been specifically mentioned: (1) demanding unreasonable amounts of money in advance or taking a percentage of the wages of jobseekers; (2) sending workers to non-existent jobs; (3) sending workers at their expense to non-existent jobs in another country; (4) colluding with employers to enslave workers and force them into labour; (5) supplying labour to break strikes; and (6) acting as "front organizations" to enable employers to escape their legal obligations. The Workers' group felt that the primary objective of the new instrument must be to protect workers against abuse. Of course, good PREA did exist. However, she hoped that Employers and Governments would agree to include in the instrument some form of supervision based on licensing or certification by the competent authority. Another concern of the Workers' group was that freedom of association and collective bargaining should not be undermined by the practices of some of these agencies. This would only result in a deterioration of labour relations and productivity with negative consequences for all concerned. She felt that the proposed text did not address this issue adequately and the group would be submitting amendments to this effect. She also felt that the text lacked substance with overemphasis on the need to have a Convention which would be "ratifiable". She also felt that some of the provisions contained in the draft Recommendation should be included in the Convention. She concluded by saying that although the labour market had radically changed since 1949, one thing had not changed: the need to ensure that all workers enjoyed the right to work in freedom and dignity.

10. The Employer Vice-Chairperson stressed the positive role of PREA. The revision of Convention No. 96 was important for three reasons: (1) it would allow PREA a wider scope than did the present Convention, thus increasing the efficiency of the labour market — with positive benefits for jobseekers; (2) it would take into account the interest of workers by ensuring that agencies operated in line with ethical codes; and (3) the new Convention would give the national authorities the necessary flexibility to put the two previous goals into practice. He stressed that conditions under which PREA operated varied considerably from country to country and the new instrument had to give governments the means to deal with the different situations they had to confront. He welcomed the possibility to modernize Convention No. 96, of which some of the provisions were obsolete. The Employers' group agreed that the general thrust of the proposed revised Convention was positive but there were some weaknesses — although these were not the same as those listed by the Workers' group. He felt there were certain flaws concerning the question of control, which would be taken up in the discussion of the various articles. He referred to the Director-General's Report, in which it was proposed that Recommendations should be given a higher status. Indeed, the Employers believed that Recommendations provided greater flexibility and allowed agreement on wider issues than a Convention could. He concluded by saying that we had to recognize that PREA were with us, whether we liked it or not, and should be regarded as normal business enterprises. However, they had to operate within certain framework and conditions, in the spirit of the 1994 conclusions. He expressed the wish that the new instrument would be up to the expectations of governments and social partners — a "living" Convention which member States would see fit to ratify.

11. On behalf of the Member States of the European Union (EU), the Government member of the Netherlands pointed out that the Member States of the EU felt that a revision of Convention No. 96 was desirable. They agreed with the broad lines of the proposed draft instrument but expressed reservations on a few points — to which she would return on the discussion of the Articles of the text. The Member States had also requested that special attention be paid to the relation between the PREA and PES in Article 10.

12. The Government member of Sweden reaffirmed that Convention No. 96 had always been controversial. His country had denounced it in 1992 and had been present at the 1994 meeting to try and encourage the revision of this instrument. Sweden had been satisfied with the conclusions of this meeting and felt that the Office had done good work on the basis of these conclusions. However, he felt that there were some problems with the proposed text. First, there was a possible confusion between this text and the proposed text on contract labour. Second, he felt that there should be a possibility to leave TWA out of the scope of the Convention (Article 2, paragraph 3). Third, Article 4 was troublesome. Fourth, Article 10 required provisions for registration and licensing — which might go too far or might be inadequate for monitoring. Fifth, Paragraph 4 of the Recommendation could infringe freedom of association. He concluded by hoping that the Convention would be both ratifiable and modern.

13. The Government members of Germany, Croatia and France shared the concerns expressed by the Government of Sweden on the draft text. They asked the Office to clarify the following points and Articles: (1) the inclusion of TWA among the various categories of PREA which were not consistent with their national laws (Article 1, paragraph 1(b)); (2) the scope of the Convention (Article 2); and (3) the measures of protection of temporary workers (Article 9).

14. Replying to questions raised by a number of Government members, the Legal Adviser of the ILO stated that, in his view, there were two problems. The first was related to the debate of whether or not TWA should be included in the proposed draft instrument. He was of the opinion that their inclusion in the text did reflect the intentions of the 1994 Conference discussion — even if this was not actually spelled out in its conclusions. Furthermore, if TWA were not included, the proposed revised Convention would lose much of its *raison d'être* because it would address only the private placement agencies. Moreover, temporary workers would become unprotected to the extent that they could not be covered by any other Convention. The second problem was related to the interpretation of Article 2.3(a).

He pointed out that the proposed draft Convention was aiming at offering maximum "ratifiability". Thus, as the Convention gave legal recognition to PREA — including TWA — it would not be possible for any country which banned TWA to ratify the proposed draft Convention. In the absence of such an exclusion clause, Article 2.3(a) would allow a country which banned PREA and TWA in certain branches of activity to ratify the proposed draft Convention.

15. The Worker member of India pointed out that specific problems on the recruitment of workers and migrant workers in developing countries should be looked into as there were many abuses and malpractices. He also indicated that regulations presented in the draft text were not sufficient to cover these problems.

16. The Government member of Denmark stated that his country had abolished all restrictions on the operations of PREA — and placement agencies in general — in June 1990. All agencies were subject to the same rules on sound business practices as other enterprises and could charge fees for their services. In parallel, the PES had been strengthened. Liberalization had improved the servicing of the labour market, resulting in benefits for both employers and jobseekers.

17. A number of other Government members referred to the situation of employment services in their respective countries. Greece had banned PREA in 1931, except when they were non-profit-making. The Employment and Manpower Organization was the only PES. It dealt with supply and demand in the labour market, as well as the provision of vocational training and information to jobseekers. However, a new law would soon allow the establishment of employment services by employers' and workers' organizations in cooperation with the PES in order to provide free job placement and information to jobseekers. Greece did not intend drastically changing its legislation, but wished to contribute to the formulation of the new instrument, which the Government member of Greece hoped would respond to the needs on the labour market. The Government member of China pointed out that the PES in her country had been created within the framework of a socialist economy. These services had been extended by establishing agencies not only in the cities but also in rural areas. She believed that PREA could contribute towards the sound functioning of the labour market and alleviating unemployment. In Australia, PREA had been in existence since 1947 and this country had not ratified Convention No. 96. The monopoly of PES was not appropriate as they were complemented by PREA. The Government member of Australia welcomed the revision of Convention No. 96 by a non-prescriptive Convention supplemented by a more detailed Recommendation. The Government member of Lebanon recalled that after 1977, when the National Employment Bureau had been set up and made solely responsible for the recruitment and placement of workers, PREA had no longer been granted licences. The Government member of Luxembourg stated that his country had ratified Convention No. 96 in 1958 and had not found it necessary to allow PREA to operate; indeed, it had reaffirmed the monopoly of the PES. Luxembourg would not accept being compelled to abolish this monopoly. His Government would nevertheless closely follow the work of the Committee.

18. Some Government members insisted on the need for flexibility. The Government member of Japan believed that the revision of Convention No. 96 should aim at protecting workers. The new instrument should, however, be flexible in order to suit different national practices. The Government member of Ireland, while stressing the need for flexibility, pointed out that PREA were already regulated in Ireland. The Government member of Tunisia favoured the adoption of a Convention and a Recommendation, on the grounds that these instruments should allow PREA to contribute to the efficiency of the labour market and protect workers against all possible abuses. The Convention should be flexible to take account of the diversity of situations; all detailed provisions should be in the Recommendation.

19. The Government member of Ethiopia stressed the importance of the Committee's agenda, not only in the context of changes in the labour market but also with regard to structural adjustment programmes in developing countries. PES could no longer cope with the number of jobseekers. But there should be appropriate safeguards to avoid exploitation of the unemployed.

20. The Government member of Niger said that his Government had created a PES and had permitted PREA to operate under regulation. However, he pointed out some problems related to PREA activities and their relations with PES. He favoured the adoption of a Convention supplemented by a Recommendation.

21. The Chairperson, before closing the general discussion, stressed the need to find a solution to the issue of the protection of workers provided through TWA. He felt that if these workers were excluded from the scope of the proposed instrument, their protection would be delayed for an indefinite period.

Consideration of the proposed texts contained in Report IV(2)

A. Proposed Convention concerning private employment agencies

Preamble

22. An amendment was submitted by the Employer members to insert in paragraph 3 the word "obsolete" between "the" and "provisions". Introducing the amendment, the Employer Vice-Chairperson stated that his group wanted to tie the text of the proposed instrument to the wording and spirit of the consensus reached at the 1994 Conference, which made it clear that Convention No. 96 was obsolete. The Worker Vice-Chairperson understood the desire of the Employers' group to create a link between the 1994 discussion and now, but felt that the insertion of such a provision would jeopardize the position of countries which had ratified Convention No. 96 and might continue to respect it. For them, Convention No. 96 was not obsolete; indeed, Argentina had ratified Convention No. 96 as late as 1996. They were therefore reluctant to insert the word "obsolete" and could not accept the amendment. The Government members from the Netherlands, Norway and Sweden supported the Workers' group. The Employer Vice-Chairperson withdrew the amendment.

23. The Employer members submitted an amendment to add the following new paragraph after paragraph 3: "Being aware of the importance of flexibility in the functioning of labour markets and the reduction of the number of unemployed". They felt this would reflect the 1994 discussion. The Worker Vice-Chairperson said that her group had great difficulty with this text since flexibility in the labour market did not reduce unemployment. Consequently, she could not support the proposed amendment. In response, the Employer Vice-Chairperson suggested a subamendment to delete the words "and the reduction of the number of unemployed" from the proposed amendment which would make it more acceptable to the Worker members. The Government members of the Netherlands and Norway supported the amendment as subamended by the Employer Vice-Chairperson. The Worker members also agreed with the proposal as subamended.

24. The proposed amendment, as subamended, was adopted.

25. The Employer members proposed an amendment to add a new paragraph after the above: "Recalling that the International Labour Conference at its 81st Session, 1994, held the view that the ILO should proceed to revise Convention No. 96, and". The Employer Vice-Chairperson stressed that this was merely a reminder of the fact that the 1994 Conference wanted a revision of Convention No. 96. The Workers' group wondered whether it was necessary to include this paragraph but in the absence of strong feelings from Government members, the amendment was adopted.

26. An amendment was proposed by the Employer members to put the word "environment", in paragraph 4, in the plural. The Worker Vice-Chairperson noted that the Office questionnaire used the singular, and after some discussions the amendment was withdrawn.

27. Two amendments relating to the same paragraph 5 were discussed together. The Employer members, in one amendment, proposed to insert the word "positive" to qualify the role of PREA in the labour market. In another amendment, the Worker members proposed to insert the word "supplementary" in the same context. The Employer Vice-Chairperson, in presenting his group's amendment, stressed that PREA made a positive contribution to the labour market and this had been recognized by the 1994 Conference. The Worker Vice-Chairperson opposed this since the role of PREA was not always positive. It was for this reason that her group proposed to insert the word "supplementary". The Employer Vice-Chairperson accepted that the word "positive" might not be the best word and that was why the word "may" had been left in the text. The Worker Vice-Chairperson proposed that the two amendments under discussion could be combined. However, the Employer Vice-Chairperson and the Employer member of the United Kingdom preferred the word "complementary" to "supplementary", as the latter had a subordinate nuance. The Worker Vice-Chairperson was prepared to concede reluctantly to the term "positive" on the understanding that the word "supplementary" was included. The Government members of Germany, Italy and Sweden questioned whether one or both of the amendments were necessary or precise enough. There was an exchange of views between the Chairperson, the Government member of Germany, the Worker Vice-Chairperson and the Employer Vice-Chairperson on the significance of the word "supplementary" and its translation into French *(complémentaire)*. Finally, the Worker Vice-Chairperson agreed to withdraw her amendment if the Employer Vice-Chairperson withdrew his. Both amendments were withdrawn and the Office text of paragraph 5 remained unchanged.

28. The Government member of Mauritius, seconded by the Government member of Morocco, introduced an amendment to replace "in a well-functioning labour market" by "in a functioning labour market" in paragraph 5 to widen the scope of the instrument. The amendment was not supported by the Employers' group while the Worker Vice-Chairperson was only prepared to support it if it did not change the substance of the text. Although the Government members of Italy, Morocco and the Netherlands agreed with this amendment, the Government members of the United Kingdom and Sweden preferred the original Office text. In view of the divergent positions which had emerged, and which would imply a vote, the Worker Vice-Chairperson asked the Government member of Mauritius to withdraw his amendment. The amendment was withdrawn and paragraph 5 remained unchanged.

29. The Worker Vice-Chairperson, introducing an amendment to delete the word "possible" before the word "abuses" in paragraph 6, stressed that abuses by PREA were not in doubt; this must be unequivocally acknowledged in the text, as it had been during the 1994 discussion. The Employer Vice-Chairperson went along with this in so far as protection of workers was only possible against "factual" abuses. As there was no opposition from the Government members, the amendment was adopted.

30. The Worker Vice-Chairperson proposed to add after paragraph 6 a new paragraph: "Recognizing the need to guarantee the right to freedom of association and to promote collective bargaining and social dialogue as necessary components of a well functioning industrial relations system." Her justification was that the flexibility of the new instrument should not undermine the basic rights of freedom of association and collective bargaining. Although the Employer Vice-Chairperson felt this was somewhat superfluous, he was prepared to accept the insertion of the new sentence in a spirit of cooperation. As the Government members did not object, the amendment was adopted.

31. The Worker Vice-Chairperson introduced an amendment to insert in paragraph 8 of the original Office text the following text after the words "Recalling the provisions ...":

> ... of the Freedom of Association and the Protection of the Right to Organise Convention, 1948; the Right to Organise and Collective Bargaining Convention, 1949; the Discrimination (Employment and Occupation) Convention, 1958; the Employment Policy Convention, 1964; the Minimum Age Convention, 1973; the Employment Promotion and Protection against Unemployment Convention, 1988 and those ...".

She felt the need to highlight the core Conventions of the ILO as many workers did not enjoy these fundamental rights. She also proposed a subamendment to her amendment — the inclusion of the Forced Labour Convention, 1930 — after "the Minimum Age Convention, 1973". The Employer Vice-Chairperson saw no objection to this; it was decided that the ultimate placing of the reference to the Convention would be left up to the Office to decide. The amendment with its subamendment was adopted.

32. The Chairperson asked the Government member of Lebanon if she still wanted to maintain her amendment which deleted paragraph 8, as this was made somewhat redundant by the adoption of the Workers' group amendment and its subamendment. The Government member of Lebanon felt that any reference to migrant workers was irrelevant in the context of the present text because they should be only a matter for the PES. The Worker Vice-Chairperson raised a point of order; she asked if this amendment had been seconded. As this was not the case, the amendment was not considered.

33. The Preamble, as amended and subamended, was adopted.

Article 1

Paragraph 1

34. Two amendments, both seeking to delete the words "as a primary activity" were submitted, one by the Government members of Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom and the other by the Workers' group. Introducing the first amendment on behalf of the Government members concerned, the Government member of the Netherlands stated that agencies providing services to the labour market as a secondary activity should not be allowed to do so without falling within the scope of appropriate legislation. The Worker members also pointed out that such "secondary activity" might involve large numbers of workers. This might encourage PREA to develop other activities in order to escape from the scope of the Convention.

35. The Employer Vice-Chairperson agreed with the two amendments since his group believed that the exemption of certain agencies might give rise to unfair competition. The Government member of Japan also supported the proposed amendments, provided that firms which did not carry out their services on a continuing basis should not be included under the scope of the Convention. The Employer members of the United Kingdom and the United States, as well as the Government members of Norway, Sweden and Venezuela, were concerned that the scope of the Convention would be unduly wide, ranging from newspaper advertising to organizations such as professional and educational institutions as well as research centres. The Government member of Sweden proposed to discuss Articles 1 and 2 together as they were connected.

36. The Worker Vice-Chairperson stressed that her group's intention was not to cover incidental activities in the labour market. They had submitted an amendment to exclude newspapers and similar publications. The present amendment needed to be considered in the context of Article 1.1(c). In this connection, they asked if the Office could clarify points made in the proposed text.

37. In response to the requests for clarification, a member of the secretariat explained that the term "primary activity" had been included in the text for a number of reasons. First, he drew attention to Report IV(1) of the Office which described numerous forms of intermediaries in employment. The Office wanted the Convention to be applicable to all those whose profession was to mediate in employment. Second, the proposed text under consideration had been prepared in the light of the law of numerous States which regulated labour market mediation as a primary activity. Third, he referred to the Office questionnaire to which many member States had replied. Whereas a majority of replies had shown preference for the inclusion of the words "as a primary activity", it was to be noted that still many other replies had raised objections in this respect. He also drew attention to the comments made by the Office (Report IV(2), page 26) which concluded that the final wording of this provision was a point deserving close attention by the Conference.

38. The Government member of Denmark referred to the situation in which a large enterprise carried out the cited services as supplementary activities. Even if they did not constitute its primary activity, they might nevertheless be very significant because of the size of the enterprise. He then proposed a subamendment to substitute the word "primary" by "ordinary". This would imply that recruitment was not an exceptional activity. This was supported by the Government member of Japan.

39. The Worker Vice-Chairperson said that after consultations with the Worker members, it had been decided that they would maintain their position on the proposed amendment. She realized that the debate had raised points which appeared problematic, but these were only of a superficial nature and would be dispensed with once the matter had been looked into more closely. The Workers' group felt that the concerns raised were not well founded. She explained that it would be an exaggerated reading of the text to say that it included all firms. One way of allaying the fears, she felt, would be to reflect fully the points of the debate in the report of the meeting. There would be an opportunity to elaborate further on the matter during discussions of the Recommendation and she did not wish to have any "artificial" disagreements at this stage.

40. On behalf of the Member States of the EU, the Government member of the Netherlands also said that they would abide by their proposed amendment. She recognized that there might be some problems but felt that these could be handled under Article 2. The Employer Vice-Chairperson restated that they had no objections to the amendment.

41. The amendment was adopted.

Subparagraph (b)

42. The Government member of Norway proposed an amendment to delete subparagraph (b) which was seconded by the Government members of Denmark, Germany, the Netherlands and Austria. The Government member of Norway explained that the activities of TWA should not fall under the scope of a Convention on fee-charging employment agencies since they were treated differently in the national legislation of many countries. In the opinion of Norway, since the original Convention No. 96 did not apply to the temporary hiring out of workers, the new revised instrument should not extend to these services. He recognized, however, that there was strong support from the Workers' and Employers' groups for the inclusion of these services. He was therefore prepared to withdraw his proposed amendment if Articles 2 and 3 were retained, under which the legal status of PREA would be determined by each country in accordance with its national legislation. The amendment was withdrawn.

43. Another amendment submitted by the Government member of Lebanon proposing the addition of "provided that such services are directed to national workers only and with the guidance of the Public Employment Bureau" to the subparagraph was not seconded and therefore not considered.

44. The subparagraph remained unchanged.

New subparagraph after subparagraph (b)

45. An amendment was submitted by the Government member of Lebanon proposing the insertion of a new subparagraph as follows: "Private employment agencies must follow the unified classifications and job descriptions as determined by the competent authority all over the country place." This amendment was not seconded and therefore not considered.

Subparagraph (c)

46. The Employer members proposed an amendment to delete this subparagraph. The Employer Vice-Chairperson explained that while his group was mindful of the concern of the Workers' group about abuses committed by the PREA, they felt that the Convention should not include activities of lesser significance. He said the definition of PREA should be meaningful and set limits, otherwise, it would only create unnecessary bureaucracy.

47. The Worker Vice-Chairperson stated that subparagraph (c) was necessary and should be seen in the context of the discussion in 1994 when it was felt that Convention No. 96 was not broad enough to cover the full range of services already available on the labour market. She understood that the Office had included subparagraph (c) precisely to address the rapidly changing nature of these services. The report of the Office had identified 18 types of PREA and this subparagraph was an attempt to ensure that the evolution of the labour market was taken into consideration. The Workers' group would not wish to see exceptions and exemptions but recognized the need for flexibility. It felt that Article 2 already provided such flexibility. She stressed that subparagraph (c) reflected recognition that the revised Convention should not only address the present but also the future trends in the evolution of services in the labour market.

48. The Government members of Croatia, Denmark, Germany and the Netherlands supported the Employers' proposal while the Government members of Belgium, Finland and France supported the view of the Workers' group that the Office text should be kept. The Government member of Japan supported the original text under the assumption that training is not included in the service referred to in Article 1.1(c).

49. Several compromise texts proposed by the Employer member of the United Kingdom and the Government members of Austria and the Netherlands were not taken up by the Committee.

50. In trying to reach a compromise, the Worker members proposed a subamendment to ensure that governments would have the opportunity of determining which services would be covered by the subparagraph after consultations with the social partners. They proposed inserting the words "which shall be determined by the competent authority after consultations with the most representative employers' and workers' organizations" after "other services relating to jobseeking".

51. The Government members of Denmark and Croatia suggested two subamendments to the Workers' subamendment, namely the deletion of "relating to jobseeking" and "which shall be". The Government member of Denmark also proposed a subamendment to delete the reference to the "provision of information". The Committee accepted the proposal to delete from the modified text the words "which shall be" but did not accept the other two subamendments.

52. The subparagraph, as subamended, was adopted.

Paragraph 2

53. A proposed amendment to this paragraph submitted by the Government member of Lebanon to insert the words "and unemployed workers" after "jobseekers" was not seconded and therefore not considered.

54. Paragraph 2 remained unchanged.

Paragraph 3

55. An amendment submitted by the Government member of Lebanon to insert "provided that the processing of personal data and the respect of privacy of workers are treated in accordance with national law" was not seconded and therefore not considered.

56. Another amendment proposing the insertion of "provided the data is in a structured form and can be accessed according to specific criteria" at the end of paragraph 3 was submitted by the Government member of the Netherlands on behalf of the Member States of the EU. The Government members of the Netherlands and the United Kingdom explained that their intention was to make sure that manual records would be covered in the instrument if the information was organized in a way which made it retrievable while linked to individuals.

57. The Employer and Worker members said that the text was somewhat obscure as to the actual aim of the amendment. They found the actual wording rather vague and preferred the Office text. The Government member of the Netherlands, on behalf of the governments concerned, withdrew the proposed amendment.

58. The paragraph was adopted without change.

New paragraph after paragraph 3

59. The Worker members submitted an amendment proposing the insertion of the following new paragraph: "For the purpose of this Convention, the term 'private employment agency' does not include newspapers or other publications unless they are published wholly or mainly for the purpose of acting as intermediaries between employers and workers." Introducing this amendment, the Worker Vice-Chairperson stated that this text had been taken from Convention No. 96. She proposed a subamendment to take account of recent changes relating to electronic media such as the Internet, by inserting a reference to "electronic and other forms of media".

60. The Employer members questioned whether this amendment was necessary in the light of the text adopted in subparagraph 1(c) which allowed governments to determine services to be excluded after the necessary consultations. The Worker members, consequently, agreed to withdraw this proposed amendment.

61. Article 1, as amended and subamended, was adopted.

Article 2

Paragraph 2

62. An amendment submitted by the Government member of Lebanon to insert "where private employment agencies are authorized to operate" was not seconded and therefore not considered.

Paragraph 3

63. Concerning the legal scope of paragraph 3, the representative of the Secretary-General explained that the purpose of the Office text was to allow member States to exclude from the scope of the revised Convention certain categories of workers and branches of economic activity, as well as the services identified in Article 1.1(c). The intention was, as stated by the ILO Legal Adviser, to give greater flexibility to the Convention which would make it more widely ratifiable, and to adapt it to the diversity and changing character of the labour market. The replies to the ILO questionnaire gave several examples of possible exclusions such as the placement of seafarers and *au pairs*. She noted that the legal effects of exclusion could give rise to different interpretations. According to the first interpretation, the legal implication of this exclusion would be to allow member States to ban activities of PREA with respect to certain categories of workers and branches of economic activity. According to the second interpretation, the same text could imply the exclusion of certain categories of workers and branches of economic activity from the obligations imposed by the Convention on agencies referred to under Article 1.1, notably placement services and TWA. A number of replies to questions Nos. 5 and 6 in the ILO questionnaire went in this direction. Whichever interpretation was retained, the text did not allow a total exclusion from the Convention of services covered under Article 1.1(a) and (b). Only services such as the provisions of information or other services envisaged under Article 1.1(c) were liable to be totally excluded from the scope of the Convention. Thus, as shown by the discussions on the previous day, there were two possible interpretations and it was up to the Committee to determine which interpretation it wished to retain.

64. The Worker Vice-Chairperson appreciated that the representative of the Secretary-General was attempting to introduce clarity, but she noted that her explanation differed radically from what the Legal Adviser had said at the previous day's sitting. According to the Legal Adviser the provision of Article 2.3(a) meant that PREA could be banned from certain activities and he did not indicate an alternative interpretation. The Workers' group had based its discussion of the proposed amendments on the Legal Adviser's interpretation — and it had not anticipated any alternative interpretation. Although she recognized and agreed with the representative of the Secretary-General and the Chairperson that the role of the Committee was to agree on the text, she regretted that the possibility of a new interpretation had introduced an element of confusion.

65. The Employer Vice-Chairperson submitted an amendment to delete paragraph 3. His group had taken this position because it felt that paragraph 3 could be interpreted to mean that the authorities would be allowed to ban PREA from operating in certain branches of economic activity — and the Employers were opposed to such bans. However, they were now in a dilemma as to how to proceed in view of the interpretations of subparagraph (a), namely that it would make it possible to exempt PREA from the application of the provisions of the revised Convention. He asked for a further clarification from the Office.

66. At the request of the Chairperson and after consultation with the Legal Adviser, the representative of the Secretary-General indicated that there was no contradiction between the statement made by the Legal Adviser and her own. The aim was to allow flexibility so that member States could ratify the Convention more easily. The explanation given by the Legal Adviser was intended to illustrate one possible interpretation. However, in the light of the deliberations of the Committee, there was clearly a possibility of different interpretations. It was now up to the Committee to decide on how they should interpret this provision. The Chairperson agreed with this position and said that the Committee would have to decide on the scope of Article 2.

67. The Government member of Sweden stated that both interpretations could be valid at the same time. Reminding the Committee that the 1994 discussions had focused on ways to ensure flexibility, the revised Convention could provide for both a ban and an exemption. At this point the Government member of Croatia urged the Committee to adopt a wording that would not leave any doubt as to the interpretation.

68. The Government member of Germany believed that a provision relating to the ban of certain services was superfluous; member States ratifying the Convention could settle the issue under their own national legislation, as provided for under Article 3.

69. The Worker Vice-Chairperson recalled that the reason for revising Convention No. 96 was to open up the possibility for PREA to operate. She interpreted Article 2 as an attempt to identify the circumstances under which the PREA might be limited in their sphere of activity to certain categories of workers or certain branches of economic activity.

70. The Employer Vice-Chairperson noted that it was impossible to avoid both interpretations, and that an element of uncertainty would remain irrespective of whether or not they accepted or rejected paragraph 3. The Employers' group withdrew their amendment but favoured moving towards the Swedish amendment to paragraph 3 which seemed to respond to the concerns of his group.

71. The Worker Vice-Chairperson submitted an amendment to replace paragraph 3 by the following text:

> After consulting the most representative organizations of employers and workers concerned, the competent authority may: (a) prohibit private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1; (b) exclude from the scope of application of the Convention the services referred to in Article 1, paragraph 1(c).

Introducing the amendment, she stated that the Convention was opening up the possibility for PREA to operate alongside PES. She was, however, concerned by the extent and effect of such rapid changes. Indeed, the situation was evolving from a situation of monopoly of PES to one in which PREA could operate freely. Paragraph 3, as amended, should be read in the context of the two preceding paragraphs which set out the wide scope of the Convention. It gave governments the possibility of narrowing down the application of the Convention. For social, economic and public policy reasons, some governments might want to prohibit agencies from operating in certain sectors. The Workers felt that this flexibility was necessary to enable the Convention to be widely ratified. Their text was offered as an alternative to the Office text.

72. The Employer Vice-Chairperson noted that this amendment seemed to be based on the premise that restrictions and exclusions would exist alongside each other; he felt, however, that the thrust should be on opening up the possibility for PREA to operate, which was implicit in the amendment submitted by the Government member of Sweden. The Convention was unnecessary in cases in which there was already adequate protection for workers. His group also wanted the word "exempt" included instead of "exclude", since this gave a more precise meaning to the text.

73. The Government members of Germany and Ireland found the Workers' text clearer but more restrictive. They felt that governments would have difficulties ratifying the Convention if the Workers' amendment on the entire paragraph 3 was adopted. The Government member of Sweden felt that the proposal of the Workers' group "to prohibit" PREA from operating in respect of certain categories of workers or branches of economic activity, was not in line with the 1994 discussions which aimed at increasing the transparency and the flexibility of Convention No. 96.

74. The Government member of Sweden submitted a subamendment to replace the words "the competent authority" by "a Member" in the introductory sentence of the Workers' amendment to replace paragraph 3; such an exclusion would require changes in legislation.

75. The Employer Vice-Chairperson introduced a subamendment to add a new introductory sentence to the Workers' amendment: "Members ratifying this Convention shall permit the operations of private employment agencies." This sentence should precede any mention of restrictions in order to highlight the positive contribution of PREA to a well-functioning labour market. The Worker Vice-Chairperson indicated that her group would not accept any proposal which placed the onus on member States to promote PREA.

76. The Government member of Morocco, referring to the amendment submitted by the Workers' group, felt that two complementary notions were being debated: firstly, the exclusion from the scope of the instrument of certain services and categories of workers; and, secondly, the exclusion of PREA from certain branches of economic activity. Paragraph 3 could be drafted as follows:

> The competent authority may: (a) exclude from the application of the Convention certain categories of workers and certain branches of economic activity and/or certain services referred to in Article 1.1; and (b) exclude from the activities of PREA certain categories of workers and branches of economic activity and/or certain services referred to in Article 1.1.

77. The Chairperson recalled that the discussion was on the subamendment submitted by the Employers' group and therefore the Moroccan proposal could not be accepted for discussion.

Subparagraph (a)

78. The Worker Vice-Chairperson submitted an amendment to replace the Office text with: "prohibit private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1".

79. The Employer member from the United Kingdom indicated that, on the one hand, the Committee was deregulating and accepting that PREA contribute to the functioning of the labour market but that, on the other hand, the Workers' amendment wanted to put a limitation on a whole range of PREA. In his view, attention should be focused on ways to limit abuses and subparagraph (a) should offer a sensible framework for regulation of the activities of PREA.

80. The Government member of the Netherlands felt that it was illogical and somewhat surprising that a Convention setting out to regulate the activities of PREA started by prohibiting them. He asked whether it would be possible to limit the restrictions to cases in which industrial relations were being endangered and where workers were unprotected. The Government member of Lebanon pointed out that the Office text of Article 2(2), by stipulating that the Convention should apply to all branches of economic activity, could also include the public sector. It was therefore important that member States should be allowed to exclude certain branches of activity from its scope.

81. The Employer Vice-Chairperson claimed that it would not be logical to prohibit certain PREA. The Convention should aim at regulating the work of the PREA, especially where there was a threat of serious damage to the well-being of the workers.

82. The Government member of Sweden introduced a subamendment which replaced the word "prohibit" by "exclude". The proposal was supported by the Employers' group, even though the Employer member of the United Kingdom thought that the word "exempt" would be a better term. The Workers' group considered favourably the Swedish subamendment.

83. The Employer members proposed a subamendment which added the following sentence at the end of the Workers' amendment: "when the application of the Convention raises special problems or risks of a substantial nature".

84. The Government member of Sweden found that the subamendment of the Employers' group was unacceptable because it would amount to an infringement of the powers of governments to legislate.

Subparagraph (b)

85. The Worker Vice-Chairperson proposed an amendment to replace the Office text with: "exclude from the scope of application of the Convention the services referred to in Article 1, paragraph 1(c)".

86. The Government member of Sweden recalled that the 1994 discussions had been about flexibility and ways to adapt Convention No. 96 to varying national conditions. However, the Workers' amendment only provided for one option — and that was to prohibit PREA. He suggested a subamendment to replace the Workers' amendment as follows: "exclude one or more of the services, provided that the workers concerned are covered by the protections applying to workers generally under national law". The idea of this subamendment was to introduce the possibility of excluding such bodies as subcontractors and rental firms from the Convention in cases in which workers had much wider coverage under other legislation. After all, the main idea behind the Convention was not to regulate PREA but to provide protection for workers.

87. The Government member of Croatia supported the Swedish subamendment as she felt that certain PREA could be excluded from the Convention by the national authorities under Article 1.1(c). Therefore, specifying their exclusion from the scope of the Convention was superfluous. The Worker Vice-Chairperson acknowledged that her group's amendment to subparagraph (b) was now superfluous following the adoption of an amendment to Article 1.1(c).

88. The Government members of Belgium, Ireland and Norway agreed with the Workers' amendment as subamended by Sweden since this text provided the necessary flexibility.

89. The Worker Vice-Chairperson pointed out that she was not entirely in agreement with the Swedish subamendment. This would imply that member States could ratify the Convention and then exclude all services defined under Article 1.1(c), with the caveat of worker protection. She proposed a first sub-subamendment to the Swedish subamendment on subparagraph (b) which read as follows: "exclude certain categories of workers from one or more provisions of the Convention, provided that there is adequate protection otherwise available for the workers concerned". She believed that exclusion should not be focused on services but rather on certain categories of workers such as professional sportspersons, actors and artists. The aim of the Convention was surely to provide a broad framework of protection against the abuse of workers by PREA.

90. The Government member of Sweden felt that there was a problem with the concept of excluding certain categories of workers. After all, the Convention set out to protect workers — it was therefore illogical to talk about exclusion. The focus should rather be on certain businesses or practices.

91. The Worker Vice-Chairperson submitted a second sub-subamendment to replace the words "exclude certain categories of workers" by "exclude workers in certain branches or sectors of the economy or part thereof".

92. To facilitate the discussions, the spokesperson of the Employers' group restated its sub-subamendments to paragraph 3 as follows:

> Member states ratifying this Convention shall permit the operations of private employment agencies. After consulting the most representative organizations of employers and workers concerned, the competent authority may:
>
> (a) exclude private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1, when application of the Convention raises special problems or risks of a substantial nature;
>
> (b) exclude workers in certain branches or sectors of the economy, or parts thereof from one or more provisions of the Convention, provided that there is adequate protection otherwise available for the workers concerned.

93. To take account of discussions on the amendment, subamendments and sub-subamendments proposed by the Workers' and Employers' groups and the Government member of Sweden, the Chairperson proposed the following amendment to the Office text on paragraph 3:

A Member which ratifies this Convention shall allow the operations of private employment agencies within the framework of the provisions of this Convention. After consulting the most representative organizations of employers and workers, it may:

(a) prohibit private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1;

(b) exclude certain categories of workers from the scope of the Convention, or from certain of its provisions, provided that appropriate protection is otherwise made available for the workers concerned.

94. The Worker Vice-Chairperson commended the Office's worthy attempt to capture the main points of the discussion. Her group agreed more or less except for the word "shall" in the introductory sentence and proposed to change it to "may".

95. The Employer Vice-Chairperson thought that the whole idea of the work of the Committee was to open up PREA activities. He could not understand why the Committee was now discussing restrictions on these activities. In fact, the whole Article, as it now stood, was going in the opposite direction from the conclusions reached in the 1994 discussions — which aimed at more openness and flexibility.

96. The Government member of Sweden found the Chairperson's proposal helpful; he thought that the Committee was moving towards some sort of a solution but he was surprised that no account had been taken of the subamendment he had submitted on subparagraph (b).

97. The Government members of Austria, France and Norway also had difficulties with the word "shall" in the introductory sentence in view of their respective legislation on PREA. They doubted whether countries could ratify the Convention with the word "shall" in the text.

98. The Government member of Germany could understand why the governments had reservations with the Office text. He felt that the term "prohibit" had no place in the Convention. He also indicated that the word "shall" balanced the restrictions contained in Article 2. After all, if a member State was intending ratifying the Convention, it should have made up its mind beforehand whether or not it authorized PREA.

99. The Government member of Croatia indicated that no government would have any problem with subparagraph (a) — but it did not have any place in this Convention. A compromise would not give a good text.

100. The Government member of Morocco recalled the need for a flexible instrument to make the Convention ratifiable and thought that the word "authorize" would be a more appropriate term than "allow". He also proposed a subamendment to insert in subparagraph (b) the words "and certain economic activities" after "certain categories of workers". The Government member of Lebanon thought that it should be forbidden for PREA to intervene in the field of activities of the PES. She felt that PREA should be subject to licensing and registration and she supported the word "prohibit" in subparagraph (a).

101. The Employer Vice-Chairperson explained why his group was so concerned with the words "shall allow". They felt that Article 2.3 only talked about restrictions. The word "shall" was to counter what he considered to be the excessive restrictions in subparagraph (a). After all, he wondered why the Committee was sitting to examine the adoption of a Convention on PREA, when all they seemed to be doing was to restrict their activity.

102. The Worker Vice-Chairperson reacted by saying that the role of the Committee was to revise Convention No. 96 — which provided for the abolition of PREA. It had been agreed in 1994 that there was a need to update and revise the Convention to take account of labour market realities and to allow PES and PREA to exist alongside each other; the idea was not to *promote* the activities of PREA but to protect working conditions. Her group could not accept that the Convention be used for the promotion of PREA activities. Moreover, it was not the role of the ILO to promote the development of PREA but the protection of workers. Therefore, her group could not and would not accept any wording which resulted in serving the interests of the private economic sector. Most of the Governments had stressed they did not want to be compelled to allow PREA to operate.

103. The Employer Vice-Chairperson clarified a misunderstanding on why his group was opposed to the words "may allow" proposed by the Workers' group. His group was not "wedded" to the term "shall allow"; they only wanted it to temper subparagraph (a). He recalled that in the discussions in 1994, the Committee had concluded that "well-functioning PREA could most certainly contribute to the effective functioning of the labour market".

104. The Chairperson introduced the following subamendment to his amendment on paragraph 3 which might be a compromise between the Workers' and Employers' groups:

> One purpose of this Convention is to allow the operation of private employment agencies, within the framework of its provisions. After consulting the most representative organizations of employers and workers, a Member may:
>
> (a) exclude, under specific circumstances, private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1;
>
> (b) exclude certain categories of workers or occupational sectors of the economy from the scope of the Convention, or from certain of its provisions, provided that appropriate protection is otherwise made available for the workers concerned.

105. The Workers' group proposed a sub-subamendment to the Chairperson's subamendment on paragraph 3 as follows:

> One purpose of this Convention is to allow the operation of private employment agencies as well as the protection of the workers using their services, within the framework of its provisions. After consulting the most representative organizations of employers and workers, a Member may:
>
> (a) exclude, under specific circumstances, private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1;
>
> (b) exclude, under specific circumstances, workers in certain branches of economic activity, or parts thereof, from the scope of the Convention or from certain of its provisions, provided that adequate protection is otherwise made available for the workers concerned.

The Employers' group agreed to the Workers' sub-subamendment to the Chairperson's amendment and subamendment of paragraph 3

106. The Government members of Belgium and Lebanon withdrew their respective amendments.

107. Paragraph 3, as amended, subamended and sub-subamended, was adopted.

Paragraph 4

108. The Employer Vice-Chairperson explained that this amendment to delete the paragraph had been submitted in line with their amendment to the previous paragraph. As a consequence of the Committee's decision on paragraph 3, this amendment was withdrawn.

109. Two amendments to replace the words "in its first report" by "in the reports" and by "in reports" had been submitted by the Government member of the Netherlands on behalf of the Member States of the EU and by the Government member of Canada, seconded by Ethiopia. The Worker Vice-Chairperson suggested a subamendment to replace "in its first report" by "in its reports", which was supported by the Employers' group.

110. The Government member of the Netherlands explained that these amendments, if adopted, would imply that governments of ratifying States would have to report on exclusions. These exclusions could change over time in the light of prevailing market conditions. It was for this reason that every time an exclusion was introduced, it should be reported after consultation with the social partners. The Government member of Canada agreed with this explanation.

111. The Government member of Lebanon asked for clarification as to how exclusions would have to be reported, especially if they could be modified.

112. The Chairperson explained that it was normal practice only to make amendments with a view to improving social protection; they should not imply a step backwards in this area.

113. The Government members of Norway, Spain and Sweden were of the opinion that governments should be left free to modify their exclusions in the light of evolving conditions in the labour market. They would prefer having the freedom to introduce new exclusions or eliminate existing ones. The Employer members agreed with this position, stating that governments should be entitled to adopt both approaches.

114. The Worker members acknowledged there was consensus on the amendment. They considered that the point did not call for further discussion.

115. Paragraph 4 was therefore adopted as amended and subamended.

116. Article 2 was adopted as amended, subamended and sub-subamended.

Article 3

117. The Employer members withdrew their amendment to delete and replace Article 3 by: "The activities of private employment agencies shall be permitted in accordance with the standards established by this Convention. National law and practice will determine their legal status." The issues it proposed for inclusion had already been incorporated in Article 2 as adopted.

118. The Government member of Japan, seconded by the Workers' group, submitted an amendment to insert at the end of the Office text of Article 3 the following words: "and after consulting the most representative organizations of employers and workers". The Government member of Japan, introducing his amendment, stressed that the objective of the Convention was to protect workers and that consultation with employers' and workers' organizations was therefore a prerequisite to the adoption of appropriate measures.

119. The Government member of the United States sought clarification as to whether the consultations envisaged under the Japanese amendment would be necessary if a country already had an established system for PREA consultation and, if such was the case, whether such consultations with the social partners would be required before the country could implement the Convention. The Government member of Japan clarified that the proposed amendment would no longer make tripartite consultations an obligation if the system of PREA already existed. This amendment was intended for countries where such a system was not yet established or in operation.

120. The Employer members had no objection to the amendment. The amendment was adopted.

New paragraph

121. The Worker members originally submitted an amendment which replaced Article 3 by: "Where private employment agencies have been or are to be established, they shall be operated within the territory of a Member only in conformity with a system of licencing or certification or other form of regulation." Introducing the amendment, the Worker Vice-Chairperson pointed out that this amendment was one of the most important. It was essential to provide a mechanism to ensure that the objectives of the Convention could be met. It would be impossible to eliminate the universally recognized abuses and malpractices unless there was a mechanism for monitoring the activities of PREA. This was not acknowledged in the Office text which simply provided for the status quo. If the concern was to provide protection to workers, there inevitably had to be a monitoring mechanism. The amendment took into account the varying conditions which applied in different parts of the world. Some countries had licensing systems; however, that was not the only option and the proposed text left member States the flexibility to choose the most effective mechanism. This was also an area which could be regulated by collective agreement. It was vital to attain a balance between entitlement to operate and worker protection — and this could only be achieved by adopting this amendment.

122. The Employer Vice-Chairperson referred to the previous intervention of the Danish Government member who had described the system in his country. In Denmark private employment agencies were regulated in the same way as other businesses. In addition, the 1994 meeting warned of the dangers of over-regulation. This amendment did not allow for systems in which private employment agencies could be regulated in the same way as any other business and in a manner which was satisfactory. The Employers' group felt therefore that this amendment was too restrictive and preferred the formulation suggested by the Government members of the Member States of the European Union in another amendment.

123. The Worker Vice-Chairperson did not feel that the position of the Employers' group was in line with the conclusions of the 1994 Conference. It failed to take account of countries which did not have strong trade unions and highly developed systems for regulating business activity. This Convention was not aiming at countries where conditions were ideal. It had to address the needs of workers who were being abused in countries where there was inadequate protection. She recalled the string of abuses to which reference had been made earlier in the meeting. In addition, abuses were not restricted to developing countries, but also occurred in countries with sophisticated monitoring systems. She drew the Committee's attention to the wording of the amendment based on a provision in the Recruitment and Placement of Seafarers Convention (No. 179), which had been adopted by the ILO in 1996. If this provision was appropriate for seafarers why should it not apply to other categories of workers?

124. Several Government members, including Australia, Denmark, Germany and the Netherlands found the proposal of the Workers' group too restrictive and believed that Articles 8 and 11 of the proposed text for the Convention provided the necessary safeguards for workers. They felt that governments required flexibility in regulating their own affairs and that self-regulation had proved effective in a number of countries.

125. The Government members of Papua New Guinea, South Africa and the Republic of Korea acknowledged the relevance and advantage of the amendment of the Workers' group in countries which had no national legislation regulating PREA to prevent worker abuse. However, they were in favour of flexibility and a balance between protection and freedom to operate in order to make the Convention more ratifiable.

126. The Government member of Morocco pointed out that according to replies to the ILO questionnaire, PREA in most countries — with few exceptions — were registered or regulated either for legal reasons or statistical purposes. He proposed a subamendment to add the words "and conditions of operations" after "the legal status".

127. The Employer member of the United Kingdom and the Government members of Croatia and Germany found that it was inappropriate to compare the situation of seafarers with that of PREA. Seafarers represented a limited category of workers who were recruited and placed internationally, whereas PREA dealt with the entire spectrum of workers and were subject to the laws of the country in which they operated. The Government member of Croatia proposed a subamendment as follows: "Private employment agencies shall operate only in conformity with a system of licensing."

128. The Employer member of the United Kingdom pointed out that according to the Office text, PREA would only be able to operate within their national boundaries and this would constitute a serious limitation — particularly in the European Union. The Government member of the United Kingdom was concerned about the regulation of PREA operating outside national boundaries, for example those using the Internet, and the degree of extraterritoriality implied in the exercise of the law.

129. Replying to the Government member of the United Kingdom, the Worker Vice-Chairperson expressed willingness to subamend the amendment if an appropriate wording to cover the activities of PREA outside national boundaries could be found. She explained that her reference to the Recruitment and Placement of Seafarers Convention, 1996 (No. 179) was to illustrate that the language was already part of ILO standards. She appealed to governments which were looking only at their own situation to reflect on ways to tackle the abuses which existed in other countries.

130. The Worker Vice-Chairperson, taking account of all the views expressed by the Committee, proposed a subamendment to her amendment for Article 3. It consisted of adding to the Office text a new second paragraph: "A Member shall determine the conditions governing the operation of private employment agencies in accordance with a system of licensing or certification except where they are otherwise regulated by appropriate national law and practice." It had been apparent from the previous discussions that the activities of PREA in a number of countries were adequately regulated by company law; there was therefore no need to institute a parallel law. This wording would allow countries to continue with existing arrangements; but it would also, from the point of view of the Workers' group, include countries where there were no arrangements. Any ratifying member State would be bound to introduce some sort of mechanism of control.

131. The Employer Vice-Chairperson thought there might be two ways of interpreting this subamendment. It could be understood to mean that there should always be some sort of licensing system for PREA; or it could be interpreted as meaning that a system of licensing should only be introduced in cases in which there were no satisfactory arrangements under existing or company law. His group could only accept this wording if it implied the second interpretation.

132. The Worker Vice-Chairperson explained that she had intended the second interpretation. The subamendment would only impose an obligation for specific measures in cases in which PREA operated within an unsatisfactory legal framework, which did not provide sufficient safeguards against abuses and fraudulent practices.

133. The Government member of Sweden was concerned about the term "regulated". He submitted a sub-subamendment to replace "regulated" by "adequately determined".

134. The Government members of Austria and France felt that the subamendment of the Workers' group was constructive and covered both the Workers' and Employers' points of view.

135. The Government member of Spain proposed a sub-subamendment to replace the words "regulated by appropriate national law and practice" by "covered by appropriate legislation" to allow those countries which had no legislation on the matter to be able to regulate in the future. For instance, Spain did not authorize PREA and allowance had to be made for the transition from a system of monopoly to one of liberalization.

136. The Government members of Belgium, Brazil, Denmark, Finland, Germany, Ireland, Italy, Lebanon, the Netherlands, Norway and Venezuela agreed with the subamendment of the Workers' group. The Government members of Denmark and the Netherlands asked that the Drafting Committee should look into the difference between "regulated" and "adequately determined". The Government member of Denmark thought that these two words were very much interchangeable but suggested "covered by".

137. The Chairperson pointed out that it was not the role of the Drafting Committee to deal with a matter of substance; it could only deal with the actual legal language involved.

138. The Employer Vice-Chairperson agreed with the Government member of Denmark that "covered" might be more in the spirit of what was implied by this Article.

139. The Worker Vice-Chairperson thought that by changing the word "regulated" to "covered" the Committee was moving away from the consensus they had reached. She had understood from the previous discussions that most of the countries felt that PREA were adequately covered; this did not have to be spelled out again in the text. She had no intention of allowing any changes to be made to the substance of the Workers' subamendment.

140. Given the support of the Employers' group and the majority of Government members, the amendment and subamendment of the Workers' group to Article 3 were adopted.

141. In the light of the adoption of the amendment and subamendment of the Workers' group, the amendment submitted by the Government member of the United States was not considered. The Government member of Lebanon also withdrew her amendment.

142. Article 3, as amended and subamended, was adopted.

New Article after Article 3

143. The Worker Vice-Chairperson introduced an amendment which added a new Article after Article 3.

Paragraph 1

144. The Workers' group introduced the following new paragraph as an amendment: "Measures shall be taken to ensure that the workers recruited by private employment agencies providing the services referred to in Article 1 are guaranteed the right to freedom of association and the right to bargain collectively." This reflected the 1994 discussions on malpractice of freedom of association and collective bargaining. The amendment ensured that these fundamental rights of workers, already stated in the Preamble, be included in the Convention on PREA.

145. The Employers' group agreed with the spirit of the amendment even though they felt that the fundamental rights of freedom of association and collective bargaining were covered by other Conventions and that workers were sufficiently protected by these Conventions. They also had some difficulties with the word "guaranteed" and proposed a subamendment to replace this word by "not denied" as it was very difficult for governments and/or intermediaries to guarantee that workers under PREA had these fundamental rights.

146. The Workers' group appreciated the acknowledgement by the Employers' group that these issues were important and the subamendment suggested by them represented a possible compromise. Several Government members also supported the Employers' subamendment.

147. The amendment, as subamended, was adopted.

148. Paragraph 1, as amended and subamended, was adopted.

Paragraph 2

149. The Worker Vice-Chairperson introduced the following new paragraph as an amendment: "Private employment agencies shall not make workers available to a user enterprise to replace workers of that enterprise who are exercising their right to strike." She also proposed a first subamendment to replace the words "a user enterprise" by "an enterprise", which would include the replacement of workers either on a temporary or permanent basis. This new paragraph dealt with PREA which could be used to undermine the parties to labour disputes, for example, to break strikes — thus undermining the rights laid down in Conventions No. 87 and No.98. The Workers' group felt that it should be specifically stated that PREA could not be used to undermine the fundamental rights spelled out in paragraph 1. The group had taken the wording for this amendment from Paragraph 4 of the Recommendation because they felt that it should be in the text of the Convention. The Worker Vice-Chairperson recalled that Report IV(1) prepared by the Office gave details of improving practice by means other than legislation, and cited the code established by the International Confederation of Temporary Work Businesses (CIETT) according to which: "Temporary staff shall not knowingly be assigned to work on premises where a labour dispute is in progress unless the authorized representatives of all parties to the labour dispute have been given advance notice of, and are in general agreement with, such assignment." This was an example of a best practice already followed by the industry. Consequently, she expected support from the Employer members on this new paragraph.

150. According to the Employer Vice-Chairperson, the problem was that there was no universally acknowledged right to strike; and in countries where it was recognized, certain governments did not interfere since the right to strike depended on the collective bargaining process. Employers might undertake under collective agreement not to replace striking workers by workers sent by PREA, but the Employers' group could not agree that all employers could be compelled to take such a position.

151. The Government member of Sweden already found that this concept was difficult to contain in a Recommendation; it was even more difficult in the case of a Convention because some governments found it problematic to guarantee the right to organize and bargain collectively. It was extremely difficult to impose this duty on intermediaries. This matter had already been dealt with in the Preamble and, as far as Sweden was concerned, that wording would suffice. In Sweden, the Government did not interfere in bargaining and disputes between parties; moreover, the PES were obliged, in the interests of neutrality, to continue providing their services in a labour dispute. The Employment Service Convention, 1948 (No. 88), had no similar provisions and this reflected the principle of neutrality. Workers involved in a legal strike kept their jobs and could not be replaced permanently. Sweden therefore rejected the amendment because it would not be able to ratify the resulting Convention.

152. The Worker Vice-Chairperson introduced a second subamendment: "Private employment agencies shall not make workers available to an enterprise to replace workers who are on strike in that enterprise." This subamendment was supported by the Government members of Austria, Belgium, France and Spain.

153. The Employers' group stressed that governments should not interfere in labour disputes and that this neutrality should be reflected in the Convention.

154. The Government member of Denmark felt that the key word was neutrality; this implied that PREA should stop supplying workers to enterprises in a state of conflict. Other countries, however, did exactly the opposite in the name of neutrality. He therefore proposed a third subamendment to paragraph 2: "Members should adopt all necessary measures to ensure that private employment agencies maintain neutrality in labour conflicts when exercising their activities."

155. The Government member of Germany understood the spirit of paragraph 2. However, the text did not fully correspond to German law and therefore, if adopted, his country would have difficulties ratifying the Convention as it would limit TWA activities compared to those of the PES.

156. The Chairperson reminded the Committee that irrespective of whether or not member States had ratified Conventions No. 87 and No. 98, the Committee on Freedom of Association could call upon any member State in which agencies supplied workers to replace strikers to give account of their actions.

157. The Worker Vice-Chairperson proposed a fourth subamendment to insert at the beginning of paragraph 2: "Having due regard to the autonomy of the parties concerned, private employment agencies shall not make workers available to an enterprise to replace workers who are on strike in that enterprise." Her group agreed that the parties were autonomous and did not mean to imply that there was a role for governments to interfere. The problem was that many national systems had been cited as examples but the Convention had to be universal and her group was seeking wording to that effect.

158. The Employer Vice-Chairperson supported the third subamendment advanced by the Danish Government since it met the two considerations of preventing PREA from replacing striking workers while ensuring that public authorities did not interfere. He suggested a sub-subamendment to this subamendment by replacing the words "maintain neutrality" by "do not interfere". It was supported by the Government member of Norway who felt, however, that there should be no implication of legal obligation on member States; the onus should be on the social partners.

159. The Worker Vice-Chairperson asked if the Employers could reflect on the fourth subamendment that the Workers' group had proposed. The Danish subamendment referred to a concept which was specific to a number of countries; it would not be relevant to all systems. However, she did agree with the Employers' group that parties concerned should remain autonomous.

160. The Government member of Canada felt that the whole issue of replacement of workers was very controversial; this Convention was about placement agencies not industrial relations. She proposed a sub-subamendment to the fourth subamendment of the Workers' group by adding at the end of the paragraph: "where national law and practice so provides".

161. The Government member of the Netherlands felt that the concept of neutrality was too vague in the Convention. She agreed with the amendment by the Workers' group as subamended and sub-subamended.

162. The Government member of Finland was against any reference to national legislation; this would make it impossible to ratify the Convention. Both the PES and PREA had to be neutral and stay outside this "trite" situation.

163. The Employer Vice-Chairperson felt that governments could not undertake any legal obligation to ensure neutrality. He preferred the words "do not interfere" to "maintain neutrality". He could accept the sub-subamendment proposed by the Canadian Government.

164. The Worker Vice-Chairperson found the reference to national law and practice unacceptable; if everything was left up to national legislation, the ILO would have no role to play. She did, however, agree with the Employer Vice-Chairperson that there should be a movement away from "neutrality". She proposed a fifth subamendment to replace paragraph 2: "Having due regard to the autonomy of the workers concerned, private employment agencies shall not interfere by making workers available to an enterprise to replace workers of that enterprise who are exercising their right to strike." The Employer Vice-Chairperson reiterated that his group could accept this more or less — but could not accept the legal obligation. The Chairperson stated that he was perplexed as to the terminology and understood that "autonomy" implied neutrality. The Worker Vice-Chairperson clarified the meaning of "autonomy". She felt that a situation in which "one might or might not" take a particular line was not, as far as the Workers were concerned, neutral. PREA should not *be allowed to intervene and break up strikes*.

165. The Employer member of the United Kingdom referred to the code established by the International Confederation of Temporary Work Businesses (CIETT), referred to in Report IV(1). The situation was not as cut and dried as the one before us; many countries would find it difficult to ratify such a wording. Indeed, there might be situations in which the PES would be free to intervene. Why therefore legislate only on PREA?

166. The Employer member of Germany stated that concepts of neutrality varied from country to country. In his own country, striking workers could not be replaced by the PES unless the workers expressly agreed. The Committee could end up with a Convention putting PREA in a less favourable situation.

167. The Worker Vice-Chairperson said that, on the one hand, Government members were stating that the PES were neutral and, on the other hand, the Employer members were asserting that PREA were at a competitive disadvantage. The issue at stake at this meeting was what principles should govern the activities of PREA. Her group was prepared to vote on its amendment as subamended.

168. The Employer Vice-Chairperson added that he did not mean to imply that PREA should replace strikers but that his group could go no further than "do not interfere".

169. The Government member of Sweden felt that it was incorrect to say that the ILO should not take into account national systems. It was precisely the strength of the ILO that it did take account of national realities. However, the State must be neutral on this matter — which was up to the social partners.

170. The Worker Vice-Chairperson submitted a sixth subamendment to paragraph 2 as follows: "Having due regard to the autonomy of parties involved, a Member shall adopt all necessary measures to ensure that private employment agencies do not interfere with, or become involved in, labour disputes including, inter alia, not replacing workers on strike."

171. The Employer Vice-Chairperson responded to this proposal by proposing a sub-subamendment. He proposed to add to the proposal of the Workers' group the phrase "where national law and practice so provides". The Worker Vice-Chairperson immediately stated that they found the Employer sub-subamendment unacceptable because they believed the task of this Committee was to try to establish international standards. There were many countries where PREA were allowed by national law to replace workers on strike. The Workers' group would therefore propose to add "in accordance with national law and practice". The Government member of Italy also expressed disagreement with the Employer members' sub-subamendment, while the Government member of Sweden said that they were in favour of it.

172. The Government member of the Netherlands explained why he supported the position of the Workers' group. He said that while enterprises were entitled to try and limit the damage caused by strikes, this was a short-term solution; there were much greater things at stake, such as the long-term damage to industrial relations.

173. The Government member of the United States said that he fully appreciated the idea behind the sixth subamendment of the Workers, but could not support it because he felt that it would be inappropriate to include this idea in the Convention. If adopted, the Government of the United States would not be able to ratify it.

174. At this point, the Worker Vice-Chairperson asked for a vote by show of hands on her sixth subamendment. However, the Employers' group recalled the procedure that the vote should be on the latest sub-subamendment. The Chairperson called for a vote by show of hands on this sub-subamendment. There were 23,617 votes in favour, 22,363 against, and 1,980 abstentions. In view of the close results of the vote, the Worker Vice-Chairperson called for a record vote. The result of the record vote was 24,453 votes in favour, 22,363 against, and 627 abstentions. As a result of the vote, the Chairperson declared the sub-subamendment adopted.

175. At the subsequent sitting of the Committee, questions were however raised as to the exact object and content of the decision taken. The Workers' group had understood that in the Article adopted at the previous sitting, the words "in accordance with national law and practice" were to be added at the end of the last sentence of paragraph 2; the Employers' group, on the other hand, had understood that the original wording of their latest subamendment, namely "where national law and practice so provides" was the one adopted. The Government member of Sweden stated that he had understood that the vote had been on the wording "not replacing workers on strike where national law so provides". He said that that had been the understanding of many of those who had voted in favour of it and if the text was changed there should be another vote. The Government members of Denmark and Norway both shared the Swedish Government member's view.

176. After thorough discussions within the Committee, the Chairperson considered that the change in the text which was read after the vote and before the closing of the sitting had created a situation in which it was indeed impossible to say that a decision had been taken on the original subamendment. The Employers' group and the Workers' group, authors of the amendment and subamendments, informed the Committee that, in the circumstances, they withdrew their amendment and subamendments, and the Workers' group indicated that they were ready to have the whole of paragraph 2 deleted. The Chairperson declared that paragraph 2 of the new Article had been deleted, to which the Committee unanimously agreed. The Committee formally adopted the new Article without paragraph 2 which read as follows:

> Measures shall be taken to ensure that the workers recruited by private employment agencies providing the services referred to in Article 1 are not denied the right to freedom of association and the right to bargain collectively.

177. The new Article, as amended and subamended, was adopted.

178. The Worker Vice-Chairperson wished to thank the Chairperson and the Office for all the efforts it had made concerning this question. Although she felt strongly about the content of paragraph 2, she did not want an Article in the Convention to cast a shadow on the achievements of this Committee. She appreciated the hard work of the Governments and Employers' group to reach a solution.

179. The Government member of Sweden agreed with the Worker Vice-Chairperson. In the spirit of the 1994 discussions, this decision reflected good tripartism at its best. The Employer Vice-Chairperson concurred.

Article 4

180. The Chairperson, in introducing the discussion on Article 4 of the Office text, proposed to consider simultaneously the two amendments submitted respectively by the Employer members and by the Government member of the Netherlands on behalf of the Member States of the EU; both amendments sought to replace the Office text. The Employer Vice-Chairperson introduced his group's amendment:

> In order to promote equality of opportunity and treatment in access to employment and to particular occupations, private employment agencies shall be subject to any national legislation on: (a) discrimination in employment; (b) the processing of personal data of workers; (c) the investigation of complaints.

181. He explained that the amendment submitted by his group aimed at bringing together under one heading Articles 4, 5 and 8 of the Office text. Regarding discrimination, the Employer members felt that national legislation should cover PREA on employment discrimination, processing of personal data of workers and investigation of complaints.

182. The Government member of the Netherlands noted that the Office text of Article 4 was an improvement over the existing provisions of Convention No. 96. However, it was necessary to confirm the role of affirmative action in the promotion of equality of opportunity and treatment of workers. The following amendment proposed on behalf of the Member States of the EU aimed also at ensuring the possibility of ratification by member States without national legislation on discrimination:

> In order to promote equality of opportunity and treatment in access to employment and to particular occupations, private employment agencies shall be subject to prevailing national law and practice to ensure workers are treated without discrimination on the basis of race, colour, sex, age, religion, political opinion, disability, national extraction or social origin.

183. The Worker Vice-Chairperson expressed the concern of her group on weaknesses in "prevailing national law and practice" concerning issues of discrimination and recalled the previous extensive debate on these terms. She felt that the proposals on equality in this amendment run counter to the majority of answers given by member States to the ILO questionnaire which clearly stated that equality should be dealt with in the Convention. The Workers' group had wanted to extend the list of categories of discrimination as proposed in the amendment, but preferred to abide by the ILO language in Convention No. 111 and to the replies of member States to the ILO questionnaire. Therefore her group was opposed to both of these amendments and supported the Office text.

184. The Government member of Canada proposed a first subamendment to the amendment of the Member States of the EU which replaced "private employment agencies" by "the Member" and "subject to prevailing national law and practice" by "or any other case of discrimination provided for in national law and practice" at the end of the sentence. The amendment, as subamended, was read as follows:

> In order to promote equality of opportunity and treatment in access to employment and to particular occupations, the Member shall ensure that workers are treated without discrimination on the basis of race, colour, sex, age, religion, political opinion, disability, national extraction or social origin or any other case of discrimination provided for in national law and practice.

185. The Government member of Croatia proposed two subamendments: one to cover both the access to employment and the situation in employment; the other to extend the basis for identifying grounds for discrimination. The Government member of the Netherlands observed that it would be useful to identify clearly the responsibility of PREA in the subamendment proposed by Canada.

186. The Worker Vice-Chairperson could accept these subamendments, with the exception of the second subamendment proposed by the Government member of Croatia to extend the grounds for discrimination in the Article. She also appreciated the efforts by the Canadian Government member and was prepared to accept the text as amended and subamended.

187. The Government member of Norway also supported the European Union amendment as subamended by the Government member of Canada.

188. The Employer Vice-Chairperson supported the consensus.

189. The Government member from the Netherlands sought to clarify that the Canadian amendment did not include the words "private employment agencies". His Government felt that the text should specify that it applied to PREA. The Government member of Canada agreed to it.

190. The Government member of the United Kingdom pointed out that the text, as amended, would now preclude affirmative action in respect of disadvantaged groups. He also pointed out that legislation in the United Kingdom did permit discrimination on grounds of sex when it was a legitimate requirement of the job, whereas the text now seemed to prohibit this.

191. The Worker Vice-Chairperson stressed that there was a large consensus on the text, as amended and subamended, and that the discussion should move on.

192. The Chairperson also agreed that there was a large consensus.

193. The Government member of Japan stated that the reference to "age" should not be considered as discriminatory in the context of the situation in his country. Under the assumption that this is what the wording did indeed imply he withdrew his amendment.

194. The Government member of the Netherlands reminded the Committee that the term "national law and practice" in the text was essential as it provided for different interpretations on matters such as age.

195. The Government member of the United Kingdom understood that the amendment submitted by the Government member of Canada removed the obligation of PREA being subject to prevailing law and practice.

196. The Government member of Canada explained that the reason she had deleted "prevailing national law and practice" was to ensure that countries in which there was no law and practice would provide a minimum level of protection to all workers. The wording "any other form of discrimination provided for in national law and practice" would enable countries to include protection for additional forms of discrimination as included in national law and practice. She proposed to include both workers and PREA in her subamendment. Both Workers' and Employers' groups accepted.

197. The Government member of the Netherlands sought clarification as to whether the term "law and practice" in the amendment submitted by the Government member of Canada only referred to laws dealing with new forms of discrimination and not to existing forms.

198. The Government member of Canada explained that it applied to present and future law and the forms of discrimination covered therein.

199. The Government member of Sweden raised the point regarding the exact wording of the text under discussion. He asked the Canadian Government to clarify whether PREA were included in the text of the amendment.

200. The Worker Vice-Chairperson reiterated that they supported one element of the subamendment submitted by the Government member of Croatia but did not consider it substantial; she therefore asked the Government member of Croatia not to pursue the issue.

201. The Government member of the United Kingdom pointed out that as the amendment was formulated, the provision on national law and practice applied only to the last part of the list of grounds of discrimination.

202. The Government member of Ireland pointed out that the deletion of the reference to national law and practice at the beginning of the subamendment submitted by the Government member of Canada, had the effect of exempting the first part of the list of discriminatory practices from national law and practice.

203. The Government member of Canada, taking into account the concern of the Government member of the Netherlands, submitted a second subamendment to replace "workers are treated" by "private employment agencies shall treat workers". She read out the amendment and its second subamendment as follows:

> In order to promote equality of opportunity and treatment in access to employment and to particular occupations, the Member shall ensure that private employment agencies shall treat workers without discrimination on the basis of race, colour, sex, age, religion, political opinion, disability, national extraction, social origin or any other form of discrimination provided for in national law and practice.

The Worker Vice-Chairperson felt that this subject had been exhausted. The Government member of Canada had read out her subamendment six times; if necessary, the Committee could vote on this matter in order to move on.

204. Under the assumption that national law and practice apply to the entire list of categories of discrimination, the Government members of Ireland, Sweden and the United Kingdom accepted to delete the words "subject to prevailing national law and practice" in the EU amendment and accepted the text with the second subamendment submitted by the Government member of Canada.

205. After the Chairperson had made sure that the Employer Vice-Chairperson had no objections for the same reasons explained by the Government members of Ireland, Sweden and the United Kingdom, the amendment, with its second subamendment, was adopted and the amendment of the Employers' group was withdrawn.

New paragraph

206. The Worker Vice-Chairperson introduced an amendment which added a new paragraph to Article 4:

> In implementing this provision, private employment agencies shall not be restricted from providing special services or targeted programmes designed to assist the most disadvantaged workers with jobseeking activities.

207. The purpose of this amendment was to ensure that affirmative action programmes for "most disadvantaged" workers such as long-term unemployed would be continued and developed by PREA and would not be undermined by Article 4 as drafted by the Office.

208. The Employers' group and Government members supported the amendment.

209. The new Paragraph was adopted.

210. Article 4, as amended and subamended, was adopted.

Article 5

211. An amendment submitted by the Employer members proposing to delete this Article was withdrawn.

Subparagraph (b)

212. The Worker members submitted an amendment to subparagraph (b) proposing to replace "services which these agencies provide" by "qualifications and professional experience of the workers". In support of this amendment, the Worker Vice-Chairperson stated that the range of matters on which workers' data could be processed by agencies under subparagraph (b) was much too wide. The text should be limited to those matters of relevance to the qualifications and professional experience of workers.

213. The Employer members felt that the Workers' proposal made the scope of the subparagraph too narrow. It was difficult, in their view, to limit the matters on which data could be processed by the agencies without omitting details which might be useful, such as the addresses and telephone numbers of jobseekers.

214. The Worker members subamended their amendment, suggesting that the words "and other directly relevant information" be added after "qualifications and professional experience of the workers".

215. The Government member of the Netherlands asked whether nationality was included in the data which could be processed. The Government member of the United Kingdom pointed out that medical data should also be among those which were relevant. The Worker Vice-Chairperson replied that the relevance of medical records and of other such information would depend on the specific case and circumstances. She agreed that details relating to the state of health of drivers in the road transport industry would be relevant to prospective employers. However, everything would depend on the work carried out; the operative word was "relevant".

216. The Government members of Australia and Germany took the view that the Workers' proposal was now very similar to the Office text.

217. The Government member of Italy agreed with the Workers' amendment, as subamended. In her view, data processed by agencies should relate to employment only.

218. The amendment, as subamended, was adopted.

219. An amendment submitted by the Government member of Lebanon to insert a new subparagraph as follows: "(c) The processing of personal data and the respect of privacy of workers shall be treated in accordance with national law" was not seconded and therefore not considered.

220. Article 5 was adopted as amended and subamended.

Article 6

221. An amendment submitted by the Government member of the Republic of Korea proposing to move Article 6 to the Recommendation was not seconded and hence was not considered.

Paragraph 1

222. An amendment submitted by the Employer members proposed the insertion of the words, "with regard to the services described in Article 1 (a) and (b)", at the beginning of paragraph 1. Introducing his amendment, the Employer Vice-Chairperson stated that some services to jobseekers might involve payment; he mentioned the example of the preparation of curriculum vitaes. He added that if it was not possible to charge for these and other such similar services, they might not be available. This would be against the interest of workers.

223. The Worker Vice-Chairperson referred to paragraph 53 of the 1994 conclusions in which it was unequivocally stated that fee-charging to jobseekers was unacceptable. Her group had originally felt that Article 6 should consist of only the first paragraph which stated this principle. However, she believed that paragraph 2 of the Office text provided for a limited form of exception to this principle to allow flexibility when this was in the interest of the workers concerned.

224. The Government members of Australia, Cyprus, France, Ireland, Norway, South Africa and Sweden stated that they preferred the Office text. Consequently, the Employer members withdrew their amendment.

225. The Worker members withdrew an amendment they had submitted to reinforce the idea that fees or costs were to be borne by the user enterprise, on the understanding that the Office text should be interpreted as meaning that such fees or costs would be borne by the user enterprise and not by the jobseeker.

226. The Government member of the Netherlands pointed out that such fees and costs were not always borne by the employer but, in some cases, by social security authorities.

Paragraph 2

227. On behalf of the Member States of the EU, the Government member of the Netherlands submitted an amendment to insert "certain categories of workers and certain branches of economic activity" before the words "specified types of services". She explained that traditionally certain professions, such as artists and musicians, were excluded from the principle of not charging fees to jobseekers.

228. The Worker Vice-Chairperson held the view that such limited flexibility was adequately reflected in the Office text for paragraph 2; consequently, this text did not need to be amended. The Employer members supported the EU position, as expressed by the Government member of the Netherlands. The Government member of Germany stated that he would like the text to be clear to ensure that certain categories of workers could be exempted.

229. The Worker Vice-Chairperson submitted a subamendment to the EU amendment. Her group could accept "certain categories of workers", but not "certain branches of economic activity." The Government members of Cyprus, France, Netherlands and Norway, as well as the Employer members, supported the subamendment submitted by the Worker Vice-Chairperson.

230. The Government member of Sweden could not accept the Workers' subamendment. In his view, the interest of workers and consultations of the employers' and workers' organizations would ensure that "sectors of economic activity" would not be excluded without good reason.

231. However, in view of the favourable opinion expressed by members of the Committee on the amendment of the Member States of the EU, as subamended by the Worker members, this amendment was adopted as subamended. As a result, a similar amendment, submitted by the Employer members, was not considered.

232. An amendment submitted by the Government member of Lebanon, which aimed to give more flexibility to the competent authority to determine the types of services allowed to be exempted from the provisions of paragraph 1, was not seconded and therefore not considered.

233. Paragraph 2, as amended and subamended, was adopted.

234. Article 6 was adopted as amended and subamended.

Article 7

235. The Government member of Japan submitted an amendment to add "so far as national laws and regulations permit" to the Article. This amendment was not seconded and therefore not considered.

236. The Worker members submitted an amendment to insert after the word "for" the words "and prevent abuses of". Introducing this amendment, the Worker Vice-Chairperson stated that it was appropriate to make a specific reference to the prevention of abuses because there were numerous examples of abuses committed by agencies.

237. The Employer members and the Government member of the Netherlands, on behalf of the Member States of the EU, supported the amendment.

238. The amendment was adopted.

239. The Government member of Lebanon submitted an amendment to add at the end of the Article: "provided such agencies are authorized to recruit or to place migrant workers. The scope and contents of such protection shall be determined in accordance with national law." It was not seconded and therefore not considered.

240. An amendment was submitted by the Worker members to add at the end of the Article the following new sentence: "These shall include laws or regulations which provide for penalties, including prohibition of private employment agencies engaging in fraudulent practices and abuses." The Worker Vice-Chairperson, in support of the amendment, read out a list of abuses, ranging from passport confiscation to the forcing of women workers into prostitution. She asked the Committee to send a clear, strong, unambiguous message that such abuses would not be tolerated and that penalties should be strictly enforced.

241. The Employer members stressed that they did not condone such abuses, but felt that the Office text was strong enough and contained the same message. The Government members of the Member States of the European Union and Norway agreed with the Employers.

242. The Government members of Morocco and Kenya supported the amendment. They pointed out that their nationals had been victims of unscrupulous agencies and had suffered injustices.

243. The Worker Vice-Chairperson was rather surprised that the amendment had not attracted more support from Governments and Employers since she expected them to share the concern for migrant workers subject to abuse. A recent ILO tripartite expert committee meeting on migration had recommended sanctions against fraudulent practices on the part of PREA. She asked the Employers' group and Government members to reconsider their position and to support the amendment.

244. The Government members of the Republic of Guinea, Philippines, Senegal, South Africa and Turkey supported the Workers' amendment. All these countries were concerned about the potential for abuses in the placing of migrant workers. A few pointed to actual cases which had occurred in their respective countries. They pointed out that penalties and sanctions should be severe both in the countries of origin and destination.

245. The Government member of the United States raised a technical question. He wondered whether it would be appropriate to insert this amendment under Article 7 or Article 11. He urged the Committee to approve the concept of the amendment, but to leave it up to the Drafting Committee to determine where it should be placed.

246. In response to the earlier clarification sought from the Office, a member of the secretariat said that it was not up to the Drafting Committee to decide upon the placing of amendments in the text. Its terms of reference under the Standing Orders of the International Labour Conference were, first, to check whether all amendments were correctly integrated into the text finally adopted, and second, to bring the French and English texts of the approved Convention in line with each other.

247. The Worker Vice-Chairperson thanked the Government members of countries for confirming that the concerns which had prompted their proposal were legitimate and real. They obviously felt that the Convention should reflect all these concerns in a meaningful way. With respect to where the amendment should appear in the text, she said that in the interest of consensus they were prepared to agree to leave it to the Drafting Committee; however, they believed it would make more sense to group together all the provisions concerning migrant workers under in Article 7.

248. Speaking on behalf of the Member States of the EU, the Government member of the Netherlands stated that after listening to the concerns expressed by many of the developing countries on this issue they had decided to support the Workers' amendment.

249. A subamendment with a slight rewording was proposed by the Employers' group to replace "engaging" by "which engage". It was accepted by the Workers' group.

250. The amendment as subamended was adopted.

New paragraph

251. The Worker members submitted an amendment to insert a new paragraph as follows:

> Where workers are recruited in one country to work in another, the Members concerned shall consider concluding bilateral labour agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.

252. The spirit behind this amendment, according to the Worker Vice-Chairperson, was that problems of fraud and abuse arose both in the sending and receiving countries. The problems had to be tackled on both fronts.

253. The Employer Vice-Chairperson objected to the amendment because he was of the opinion that it was drafted in a language more appropriate to a Recommendation. Article 7 had already been significantly strengthened by the previous amendment. Furthermore, in view of the fact that Article 7 already provided for collaboration with other Members, the amendment seemed superfluous. On behalf of the Member States of the EU, the Government member of the Netherlands did not agree with the amendment because she felt that it would be inappropriate to require Member States to conclude bilateral agreements — although she understood the idea behind the proposal and even concurred that bilateral agreements could be very useful. She also felt that this amendment belonged to a Recommendation rather than a Convention.

254. The Worker Vice-Chairperson explained that the only obligation for member States would be to consider concluding bilateral agreements and to report to the Office on the considerations which had taken place. It was, of course, up to the governments to decide on whether or not to conclude bilateral agreements. The Workers' amendment would not "require" them to conclude such agreements but only to "consider" concluding bilateral agreements.

255. The Government members of Canada and Norway immediately agreed to the proposed amendment. The Government member of Kenya also strongly endorsed the amendment, stating that it would strengthen multilateral and even cultural relations among States, curb abuses effectively and help improve the conditions of migrant workers. The Employers' group dropped their opposition to the amendment. The amendment was adopted.

256. The new Paragraph was adopted.

257. Article 7, as amended and subamended, was adopted.

Article 8

258. The Employers' group withdrew their amendment to delete Article 8.

259. The Worker Vice-Chairperson introduced her group's amendment to replace "as appropriate" by "the most" in Article 8. The Employer Vice-Chairperson preferred the amendment proposed by the Government member of Japan which included the words "as appropriate" and referred to the "most representative employers' and workers' organizations".

260. The Worker Vice-Chairperson objected to the inclusion of "as appropriate", since it would open the door to cases when it would not be appropriate to involve the most representative organizations of employers and workers. This would have the effect of allowing the possibility of establishing a complaints procedure without their involvement.

261. Several Government members supported the Japanese amendment which was also endorsed by the Employers' group. On behalf of the Member States of the EU, the Government member of the Netherlands said that court procedures for the investigation of complaints were already well established and had their own structures. Consequently, it would be impossible to stipulate the involvement of workers' and employers' representatives. The Government member of Australia agreed with this statement and said that they already had commissions to investigate similar complaints. The Government member of Germany pointed out that the Committee could not include a wording which would interfere with established judicial procedures in a given member State.

262. The Worker Vice-Chairperson proposed to revise her group's amendment by removing the word "appropriate" from the second line of Article 8 and putting it in the first line. But the Government member of Austria, voicing the concern of many other governments, said that this change would not dispel his Government's concern about the proposed amendment. They would want to retain the wording as proposed by the Japanese amendment. The Worker Vice-Chairperson subsequently withdrew her group's proposed amendment in favour of the one proposed by the Government member of Japan.

263. The amendment was adopted.

264. The Worker Vice-Chairperson introduced the amendment submitted by the Worker members to delete "if necessary" and to insert after the word "complaint" the following words: "alleged abuses and fraudulent practices". She stated that it would, in the opinion of her group, always be necessary to investigate complaints, even if the scope of the investigation could vary according to the circumstances of the case. The Employer Vice-Chairperson felt that he could accept the addition proposed by the Workers' group but wanted to maintain the flexibility conveyed by the expression "if necessary". He noted that this issue was mainly of concern to the Government members.

265. The Government member of the Netherlands, on behalf of the Member States of the EU, indicated that they leaned towards the position of the Employers' group. The Government member of the Netherlands brought to the attention of the Committee that the text adopted during the 84th Session of the Conference for the Recruitment and Placement of Seafarers Convention, 1996 (No. 179) included also, in its Article 6, the expression "if necessary". The Worker Vice-Chairperson noted that improvements could be made to the text adopted last year and maintained her proposal. The Government members of Canada, Italy, Kenya, Norway and the United States supported her in this amendment.

266. After consulting the Government members of the Member States of the EU and noting that the Worker Vice-Chairperson had conceded that not every complaint needed a detailed investigation, the Government member of the Netherlands expressed her support for the proposal of the Workers' group. The amendment was adopted.

267. Article 8, as amended, was adopted.

New Article after Article 8

268. The Worker Vice-Chairperson introduced the Worker members' amendment to add the following new Article after Article 8:

> The Member shall take the necessary measures to ensure adequate protection for the workers using the services of private employment agencies, as described in Article 1 above, in relation to: (a) freedom of association; (b) collective bargaining; (c) remuneration; (d) working time and other working conditions; (e) statutory social security benefits; (f) access to training; (g) protection in the field of occupational safety and health; (h) compensation in case of occupational accidents or diseases; (i) compensation in case of insolvency and protection of workers' claims; (j) maternity protection and maternity benefits.

269. The Workers' group felt that the Office had made a serious omission when drafting the text. Indeed, the main thrust of the conclusions of the 1994 discussions was that Convention No. 96 should allow flexibility whilst providing adequate protection for workers. The amendment was therefore designed to provide for adequate protection in a number of key areas. For instance, it had added a reference to "remuneration". The Workers' group felt that placed workers should have the same protection as other regular employees, if there was a statutory minimum wage. The amendment also referred to statutory social benefits, protection in the field of occupational safety and health, compensation in case of insolvency and protection of workers' claims and maternity protection and maternity benefits. The Workers' group was of the opinion that the omission to deal with protection of workers in Article 9 should be rectified.

270. The Employer Vice-Chairperson conceded that there was a certain logic in the reasoning of the Workers' group but he felt that reference should be made to national conditions and practice; he also hesitated about a reference to remuneration in an Article of the Convention because no distinction was made, in the Workers' amended text, between subparagraph 1(a) and subparagraph 1(b) of Article 1. He wondered whether this new Article was intended to apply to both categories of services. He then presented the following three subamendments to the Workers' amendment: (1) to add in the introductory sentence the words "in accordance with national conditions and practice" after the word "shall"; (2) to replace "Article 1" by "Article 1.1(b)"; and (3) to delete subparagraph (c) referring to "remuneration".

271. The Government members of Denmark and Norway understood the spirit of the amendment of the Workers' group but felt that it should be confined to firms hiring out workers. The Worker Vice-Chairperson confirmed the intention of the Workers' group to confine their amendment to the services under Article 1.1(b) and was prepared to accept the Employers' second subamendment.

272. The Government member of Norway stated that he would like to see a reference to child labour in the text of this new Article proposed by the Workers' group and submitted a subamendment to add the following paragraph: "A member State shall take measures to ensure that child labour is not used or supplied by private employment agencies."

273. The Government member of Sweden proposed to replace "maternity protection" by "parental protection". The Worker Vice-Chairperson said that she would accept the addition of the term "parental" — but this should not replace the word "maternity".

274. Taking into account these subamendments, the Workers' group submitted a first subamendment to its amendment as follows.

> 1. The Member shall take the necessary measures to ensure adequate protection for the workers using the services of private employment agencies, as described in Article 1.1.(b) above, in relation to: (a) freedom of association; (b) collective bargaining; (c) remuneration; (d) working time and other working conditions; (e) statutory social security benefits; (f) access to training; (g) protection in the field of occupational safety and health; (h) compensation in case of occupational accidents or diseases; (i) compensation in case of insolvency and protection of workers' claims; (j) maternity protection and maternity benefits, parental protection and parental benefits.
>
> 2. A member State shall take measures to ensure that child labour is not used or supplied by private employment agencies.

275. On behalf of the Member States of the EU, the Government member of the Netherlands could accept the reference to Article 1.1(b), child labour and parental rights. However, the European Union would like to retain: "in accordance with national conditions and practice".

276. The Government member of the United States felt that the Worker members' amendment and its first subamendment were relevant to the new global economy; he therefore supported it.

277. The Government member of the Netherlands raised the question of whether these traditional workers' rights extended to jobseekers. The Worker Vice-Chairperson, replying to the concerns of the Government member of the Netherlands, thought that it was not necessary to change the language of the

Article; the areas listed would not apply to jobseekers because of the express mention of Article 1.1(b). She stressed that there should be measures to ensure that workers in user enterprises were entitled to the statutory minimum wage.

278. The Employer Vice-Chairperson felt that remuneration was more a matter for the labour market and social partners rather than governments. In reference to Article 1.1(b), he felt it clear that these people were in employment — he therefore suggested a subamendment to replace the words "using the services of" by "employed by". The Worker Vice-Chairperson accepted this subamendment; she also submitted a second subamendment to change subparagraph (c) from "remuneration" to "minimum wages".

279. The Government members of Kenya, Lebanon and Morocco felt that there should be mention of national law and practice, although they pointed out that some of these areas might not be regulated in national legislation. The Government member of Lebanon also felt that there should be a reference to the minimum age of admission to employment.

280. After consulting with the Government members of the Member States of the EU, the Government member of the Netherlands stated that she could support the Workers' second subamendment; however, she agreed with the Employers' group that the reference to national law and practice should be added. The Government member of Australia thought that this reference to national law and practice would solve the Employers' concern about remuneration. The Government member of Switzerland felt that there had to be a reference to national law and practice because in their country there was no minimum wage as this was agreed upon under collective agreements.

281. As there was a consensus on "in accordance with national law and practice", the Worker Vice-Chairperson proposed a third subamendment to their amendment:

> 1. The Member shall, in accordance with national law and practice, take the necessary measures to ensure adequate protection for the workers employed by private employment agencies, as described in Article 1.1(b) above, in relation to: (a) freedom of association; (b) collective bargaining; (c) minimum wages; (d) working time and other working conditions; (e) statutory social security benefits; (f) access to training; (g) protection in the field of occupational safety and health; (h) compensation in case of occupational accidents or diseases; (i) compensation in case of insolvency and protection of workers' claims; (j) maternity protection and maternity benefits, parental protection and parental benefits.
>
> 2. A Member shall take measures to ensure that child labour is not used or supplied by private employment agencies.

282. With regard to paragraph 2 in the third subamendment of the Workers' group, the Workers' group agreed that the Drafting Committee might consider it more appropriate to situate this paragraph in another article; however, it felt that it should be included in the instrument. The Employer Vice-Chairperson indicated his group's acceptance.

283. The amendment of the Workers' group, as subamended, was adopted.

284. The new Article as amended and subamended was adopted.

Article 9

285. The Worker members submitted an amendment to replace Article 9 with the following text:

> The Member shall allocate the respective responsibilities of private employment agencies providing the services referred to in paragraph 1(b) of Article 1 and of user enterprises in relation to: (a) collective bargaining; (b) remuneration; (c) working time and other working conditions; (d) statutory social security benefits; (e) access to training; (f) protection in the field of occupational safety and health; (g) compensation in case of occupational accidents or diseases; (h) compensation in case of insolvency and protection of workers' claims; (i) maternity protection and benefits.

286. Introducing the amendment, the Worker Vice-Chairperson pointed out that the amendment was designed to allocate responsibilities to PREA and user enterprises in relation to the different rights and benefits listed in the amendment. It was necessary to avoid uncertainty over responsibility as regards the rights of workers placed by PREA. The list in this amendment should be brought into line with the one in the previously discussed amendment and should be adapted to the adopted new Article — with one important exception relating to freedom of association. The Workers' group believed that the right to freedom of association belonged to the workers and did not need to be allocated in the same way as the other rights and benefits in the list.

287. The Employer Vice-Chairperson felt that much of what the Workers' group sought to achieve in this amendment had already been taken care of in the new Article after Article 8. Governments should not involve themselves in the employer/employee relationship. In every employment relationship, the employer had certain responsibilities. Protection in the field of occupational safety and health was the only area in which governments should allocate responsibilities. Hence, member States should ensure that workers' protection was provided for, while allowing flexibility in the relationship between the user enterprise and PREA. Both this amendment and the Office text failed to allow for adequate flexibility and the Employers' group therefore felt that this situation would have been better dealt with elsewhere.

288. On behalf of the Member States of the EU, the Government member from the Netherlands understood the amendment to mean that Members should not take responsibility themselves but ensure that the protections were in place. They wished to add the words "in accordance with national law and practice" in the text and preferred the Office text.

289. The Government members of India, Japan and Norway, as well as the Employer members, also expressed their support for the Office text.

290. The Government members of Kenya and Morocco supported the Workers' amendment. The list, they believed, should match the one adopted in the previous amendment. The Government member of Kenya favoured the insertion of a reference to "national conditions and practice".

291. The Worker Vice-Chairperson submitted a subamendment to her amendment by inserting "in accordance with national law and practice" as well as "and determine" based on another amendment, submitted by the Government member of the United Kingdom, which had not yet been discussed. However, she could not accept moving away from the word "allocate".

292. The Government members of Norway and Sweden agreed with the word "allocate", which they felt was a flexible concept.

293. The Worker Vice-Chairperson, replying to a question from the Government member of Germany, stated that by using the term "allocate", her group wanted to make it perfectly clear who had responsibility in a given situation. For instance, if employees were sent by TWA to a user enterprise, there had to be a clear understanding about whether the TWA or the user enterprise was responsible. It did not matter which — but someone had to bear the responsibility. "Allocate" was synonymous to "assign".

294. The Government member of Austria could support the subamendment if it implied that allocation was not intended to be exclusive, i.e. that responsibility could be shared. The Government members of Germany, Morocco, Japan, Sweden and the United Kingdom, as well as the Employer members, agreed with the Workers' subamendment. The text as subamended was as follows:

> The Member shall determine and allocate, in accordance with national law and practice, the respective responsibilities of private employment agencies providing the services referred to in paragraph 1(b) of Article 1 and of user enterprises in relation to: (a) collective bargaining; (b) minimum wages; (c) working time and other working conditions; (d) statutory social security benefits; (e) access to training; (f) protection in the field of occupational safety and health; (g) compensation in case of occupational accidents or diseases; (h) compensation in case of insolvency and protection of workers' claims; (i) maternity protection and benefits and parental protection and benefits.

295. The Workers' amendment as subamended was adopted.

296. The other amendments to Article 9 were no longer valid in the light of the adoption of this amendment and therefore withdrawn.

297. Article 9 as amended and subamended was adopted.

Article 10

298. The Employer members submitted an amendment to move the provisions of this Article to the Recommendation. Introducing the amendment, the Employer Vice-Chairperson explained that all measures in this Article were within the confines of member States and the issues involved in this Article were more relevant to the Recommendation than to the Convention.

299. The Worker Vice-Chairperson pointed out that while the PES and PREA should function alongside each other, the public authorities should retain final authority on labour market policy and be able to direct public funds to implement that policy. Therefore, she was opposed to moving this Article to the Recommendation as it reflected the respective role of the PREA and PES.

300. On behalf of the Member States of the EU, the Government member of Germany and the Government members of Morocco and Sweden expressed their preference for keeping this Article in the Convention to reflect the conclusions of the 1994 Conference and to be in line with the Organisation of Employment Service Convention, 1948 (No. 88).

301. The Employer members, considering the lack of support, withdrew their amendment.

Paragraph 1

302. On behalf of the Member States of the EU, the Government member of Germany submitted an amendment to replace the words "formulate, implement and periodically review measures" by "establish conditions" because he felt that the Office text implied that PES and PREA should be forced to work together and, in practice, this was impossible. Their proposed amendment was designed to make it easier for countries to promote cooperation between PREA and PES. States could only create the necessary conditions for cooperation and could not force parties to cooperate. The amendment was supported by the Employers' group.

303. The Worker Vice-Chairperson said that they were opposed to the EU amendment because it fell short of obtaining a commitment to bring about cooperation between PREA and PES. She also recalled Article 11 of Convention No. 88 which ensured an effective cooperation between PES and PREA. The Office text in Article 10.1 specified how cooperation could be promoted by placing an obligation on member States to start putting in place regulations to promote cooperation and periodically reviewing them. She also pointed out that "establishing conditions" was an empty formula. In her view, to promote cooperation, member States must formulate measures and review them periodically to see how they conformed to changing circumstances. In addition, the wording of the Office text would go beyond the EU amendment in meeting the situation of countries which did not have well-developed public employment services. Consequently, the Workers' group wished to retain the Office text.

304. The Employer Vice-Chairperson strongly voiced opposition to any provision which would oblige private business to cooperate with their competitors. This would constitute a serious interference by Government. In response to this, the Worker Vice-Chairperson clarified that the Office text was intended "to promote" and not "to require" cooperation between public and private employment agencies.

305. The Government members of Austria and Australia expressed support for the EU amendment. According to the Government member of Australia, it offered a framework within which members could take appropriate steps to promote cooperation. Moreover, Paragraph 10 of the proposed Recommendation spelled out ways in which they should cooperate. The Government member of Switzerland agreed with the need to recognize the principle of cooperation in the Convention but suggested that the wording of the amendment be more explicit.

306. The Member States of the EU submitted a subamendment to replace "establish conditions" by "establish and periodically review conditions".

307. The Worker Vice-Chairperson thought that the subamendment still failed to address the difficulties in the lack of cooperation and coordination between PES and PREA, highlighted at the 1994 meeting. Indeed, at that 1994 meeting, the member States had gone so far as to stress the need "to establish permanent cooperation" between these two services. The Committee should therefore take into account these concerns in this Convention. She also pointed out that there was no need for wasteful competition between PES and PREA in the labour market. The Employer Vice-Chairperson wished to stress that he had never questioned the desirability of cooperation; he merely felt that it could not be forced. To this the Worker Vice-Chairperson replied that the Workers' group had understood the intention behind this Convention was not to create a "free-for-all" in the market but to regulate the manner in which PREA would be allowed to operate alongside the PES.

308. The Government member of Germany stressed that the amendment submitted by the EU was in no way intended to undermine cooperation. On the contrary, they were attempting to ensure that the Convention would be more ratifiable as an international instrument. He added that competition could act as a stimulus for improvement and might make the PES become more competitive.

309. The Worker Vice-Chairperson understood the main concern to be the need for legal requirements to promote cooperation. The Workers' group would be prepared to accept replacing the word "measures" by "conditions". They did, however, want member States to be obliged to promote cooperation between PES and PREA.

310. The Employer Vice-Chairperson pointed out that his group could not accept the word "implement" as it implied as much compulsion as the word "measures". The Employer member of the United Kingdom felt that cooperation was desirable; however, this should not be brought about by regulation but by consent and agreement between the parties concerned. If there were any perception of compulsion, many PREA would take cooperation to mean control. In his view, the EU amendment, as subamended, was the best formulation.

311. The Worker Vice-Chairperson proposed a sub-subamendment to the EU amendment to replace "establish and periodically review conditions" by "formulate, establish and periodically review conditions". This was designed to address the concerns about the word "implement".

312. The Member States of the EU and the Employers' group accepted the sub-subamendment submitted by the Workers' group.

313. The amendment, as subamended and sub-subamended, was adopted.

314. The Government member of Germany, on behalf of the Member States of the EU, submitted an amendment to replace the words "in accordance with national conditions and practice" by "in accordance with national circumstances".

315. The Worker Vice-Chairperson appreciated that the Member States of the EU wanted to change the substance of the text but her group felt that the Office text was the standard language used in ILO texts and the changes they were proposing might introduce an element of uncertainty. She asked the Member States of the EU to consider withdrawing their amendment.

316. The Employers' group understood that the standard ILO wording was "national law and practice" and not "national conditions and practice". Therefore, the Workers' group could not use it as an argument and the Employers' group supported the amendment submitted by the Member States of the EU.

317. On behalf of the Member States of the EU, the Government member of Germany found the subamendment "in accordance with national law and practice" acceptable.

318. Both the Workers' and Employers' groups supported the subamendment

319. The amendment as subamended was adopted. Consequently, the Government member of Lebanon withdrew her amendment.

320. Paragraph 1, as amended, subamended and sub-subamended, was adopted.

Paragraph 2

321. On behalf of the Member States of the EU, the Government member of Germany submitted an amendment to replace: (1) the word "measures" by "conditions" at the beginning of the paragraph and (2) the word "final" by "exclusive" in the second line. Changing the wording "measures" to "conditions" would be consistent with the previous adopted amendment. The change of the word "final" to "exclusive" was to ensure that public authorities would be exclusively responsible for the formulation of labour market policy and the utilization or control of the use of public funds.

322. The Employer Vice-Chairperson asked the Member States of the EU to reflect on the mention of "exclusive authority"; this would exclude the social partners from all labour market issues. His group proposed a subamendment to replace "exclusive authority" by "exclusive responsibility".

323. The Worker Vice-Chairperson supported the replacement of the word "measures" by "conditions" but preferred keeping the words "final authority" contained in the Office text.

324. The Government member of Spain indicated that although she would prefer the text to establish clearly the competence of the authorities called upon to formulate employment policy, by adopting the amendment submitted, she submitted, after consulting with the most representative employers' and workers' organizations, a subamendment to delete the word "exclusive" because the text only referred to the "authority" of the public authorities. In the final analysis, she could accept the Office wording if the report indicated clearly that the competence for formulating labour market policy and controlling the use of public funds was only of a "residual" nature and lay always with the public authority. A member of the secretariat confirmed this by reading out a correct Spanish version of paragraph 2 which was similar to the French version.

325. The Government member of the Netherlands, on behalf of the Member States of the EU, explained that they had no intention of doing away with tripartite consultation; neither did they want to imply that labour market policy issues should be left exclusively to governments. She pointed out, however, that the national authorities could formulate labour market policy whenever they wanted. Moreover, if the Government member of Spain could now accept the words "final authority", as interpreted by the Committee, she felt she could withdraw the amendment to delete "final authority".

326. The first part of the amendment was adopted.

327. The amendment submitted by the Government member of Lebanon was not seconded and therefore not considered.

328. Paragraph 2, as amended, was adopted.

Paragraph 3

329. The Government member of Germany, on behalf of the Member States of the EU, submitted an amendment to replace this paragraph by the following text:

Private employment agencies shall, at intervals to be determined by the competent authority, provide to that authority the information identified by it as being required:

(a) to allow the competent authority to be aware of the structure and activities of private employment agencies in accordance with national conditions and practices;

(b) for statistical purposes.

330. The Government member of Germany, introducing the amendment, thought that the Office text gave an over-specific list of information to be periodically provided by PREA which might not adequately cover the actual situation of PREA in the many different countries. The aim of this amendment was to provide for a broader general clause which would indicate the intention and the purpose of collecting information. It would give greater flexibility to the competent authority.

331. The Employer Vice-Chairperson said that his group's concern for safeguarding confidentiality of information was not reflected in the text as submitted. Otherwise, he could agree with the amendment. He proposed three subamendments to insert: (1) the words "on request" after "shall" in the introductory sentence; (2) at the end of the introductory sentence the words "with due regard to the confidential nature of such information: ..." and (3) at the end of subparagraph (b) the words "where the information will be published on a summary basis only".

332. The Worker Vice-Chairperson was disappointed with this wording since she wanted the language to be clear, comprehensible and precise and appealed to the Committee not to dilute the intention of Article 10. She requested that the Office text should be retained because it was necessary to give transparency to the operation of PREA in the labour market. Changing it would take the substance out of this Article.

333. The Government member of Germany, commenting on the Employers' subamendments, pointed out that confidentiality of data was already safeguarded under Article 5 and, therefore, the Employers' second subamendment to subparagraph (b) was superfluous. The Employer Vice-Chairperson pointed out that Article 5 was concerned with information relating to jobseekers and not to PREA.

334. The Worker Vice-Chairperson appealed again to the Committee not to water down Article 10 which was originally intended to ensure that there was information on the way PREA were operating. In fact, subparagraph (b) already contained too few requirements for information. In her view, governments ought to protect the integrity of PES and make sure that PREA did not operate under different rules. With respect to confidentiality, she agreed that it needed to be safeguarded and could accept the Employers' second subamendment. She stressed that the Convention should lay down minimum requirements for disclosure.

335. The Government members of Australia, Japan and the United States supported the EU amendment. The Government member of Japan, citing differences among countries, stated that it was inappropriate to list requirements for information. Governments should be able to establish their own respective requirements. The Government member of Australia said that PES and PREA had coexisted for the past 50 years in his country; his Government required a minimum of information to be reported by PREA and no problems had been encountered. Although he felt that the second subamendment submitted by the Employers on confidentiality was unnecessary, he would nonetheless be prepared to support it as further subamended. The Government member of the United States appreciated the concerns of the Employers but felt that the nature of the reporting should be left to member States. Reporting was best carried out on a case-by-case basis and it was therefore not appropriate to impose global standards on such matters. The Government member of Cyprus also supported the EU amendment, underlining that it was more important to stress goals rather than to list minimum requirements.

336. The Government member of Norway said that he found the amendment submitted by the Member States of the EU too vague and would like to see the Office text retained together with the second subamendment on confidentiality proposed by the Employers.

337. The Government members of the Member States of the EU supported the Employers' second subamendment but not the first one nor the third. The Worker members, in view of the lack of support from Government members for the Office text, accepted the amendment with its second subamendment.

338. The amendment, as subamended, was adopted.

339. The Government members of Japan and Lebanon withdrew their respective amendments on this paragraph.

340. Paragraph 3, as amended and subamended, was adopted.

Paragraph 4

341. The Government members of Japan and Lebanon withdrew the amendments they had submitted to this paragraph. The Government member of Japan felt that the concerns of his Government had been addressed.

342. The Government member of the Netherlands, on behalf of the Member States of the EU, withdrew an amendment they had submitted to this paragraph and supported another similar amendment submitted by the Worker members. That amendment proposed to replace "distribute the information so collected" by "make the information publicly available". The Worker Vice-Chairperson said that this amendment clarified paragraph 4 since the information should be made public.

343. The Employer members expressed disappointment at the withdrawal of the EU amendment but accepted the Workers' amendment.

344. The amendment was adopted.

345. Paragraph 4, as amended, was adopted.

346. Article 10 was adopted as amended, subamended and sub-subamended.

Article 11

Paragraph 2

347. The amendment submitted by the Government member of Lebanon was not seconded. However, she explained her reasons for introducing this text. She felt that some provisions in the draft instrument were self-regulating and would not, if the Office text were maintained, require the intervention of the labour inspectorate. She was of the opinion that the labour inspectorate should supervise the application of all the provisions in the Convention and not only the provisions to "give effect" to the Convention. Meanwhile, the Government member of

Switzerland queried the French translation of the word "supervision" and felt that the words "*le contrôle de l'application*" did not have the same meaning in her country's national legislation. This would be determined by the Drafting Committee.

348. The Government member of Japan withdrew his amendment as he felt that the concerns of his Government had been addressed.

349. The Worker members submitted an amendment to replace "referred to in paragraph 2" by "of this Convention". The Worker Vice-Chairperson, introducing the amendment, explained that she wanted to ensure that all the relevant areas were covered. It was not enough only to refer to the provisions in paragraph 2.

350. The Employer Vice-Chairperson felt that the Office text was perfectly adequate. The Government member of Morocco supported the amendment because he felt that penalties should apply to the violation of any one of the provisions. The Member States of the EU, as well as the Employers' group, agreed to the amendment and it was adopted.

351. Article 11 as amended was adopted.

Article 12

352. The Worker members submitted an amendment to insert "recruited, placed or employed by private employment agencies", after "workers". The Worker Vice-Chairperson, introducing her amendment, felt it was important to specify the category of workers covered by this Convention. She wanted to stress that her group did not want jobseekers excluded in this amendment — the definition in Article 1 made this clear.

353. The Employer Vice-Chairperson thought that the Office text was a standard text contained in other instruments, although he was not opposed to the principle. The Government member of Turkey also agreed with the Employer Vice-Chairperson.

354. The Worker Vice-Chairperson pointed out that a similar Article in the Home Work Convention, 1996 (No. 177), referred to homeworkers; this Article could therefore refer to workers recruited, placed or employed by PREA. The Member States of the EU, the Government members of Australia, Canada, Norway and the Employers' group agreed to the amendment and it was adopted.

355. Article 12 as amended was adopted.

356. The Draft Convention and its Preamble were approved.

B. Proposed Recommendation on private employment agencies

Paragraph 1

357. An amendment submitted by the Government member of Lebanon sought to replace "and should be applied in conjunction with them" by "and constitute guidelines on the methods of its application". The amendment was seconded by the Government member of the United States.

358. Introducing her statement, the Government member of Lebanon observed that the provisions of the Recommendation were only guidelines in the process of implementation of the Convention and could not therefore impose obligations on member States. Moreover, if the Recommendation was only a supplement to the Convention, it did not mean that the State could not look to the Recommendation for guidance in formulating national legislation, even if it had not ratified the Convention. The Worker Vice-Chairperson stated that her group could not accept the amendment. The Employer Vice-Chairperson understood that the Office text was a standard text which should be retained. The Government member of Lebanon asked if the standard format of that provision was untouchable. However, given the lack of support for the amendment, she withdrew it while retaining her position.

359. Paragraph 1 was adopted without change.

New Paragraph before Paragraph 2

360. The Employer members submitted an amendment to insert a new paragraph as follows: "Members should permit the operation of private employment agencies in accordance with the provisions of the Private Employment Agencies Convention, 1997."

361. Introducing the amendment, the Employer Vice-Chairperson stated that the Recommendation should be self-contained. It should expressly allow the operation of PREA before setting out the details. The Worker Vice-Chairperson said that her group could not accept the amendment. They did not feel that it was wise to reopen the discussion on points which had already been thoroughly looked into under the proposed Convention.

362. The Government member of Cyprus saw the amendment as imposing an obligation on governments to accept the operation of PREA even though some governments did not approve of such agencies. His Government could therefore not accept the amendment.

363. The Employer Vice-Chairperson withdrew the amendment. The new Paragraph was withdrawn.

Paragraph 2

Subparagraph (1)

364. The Worker members submitted an amendment to delete the words "as far as possible". The Worker Vice-Chairperson stated that the Recommendation should encourage a commitment to the involvement of the tripartite partners in the application of the Convention. The words in question were therefore inappropriate.

365. The Employer Vice-Chairperson saw the need for a qualification regarding tripartite consultation to avoid the social partners being constantly involved in monitoring Conventions. His group found the Office text acceptable.

366. The Member States of the EU supported the Office text since it left some discretion to governments to decide when to involve the social partners. The Government members of Australia and the Republic of Korea opposed the amendment and preferred the flexibility in the Office text.

367. The Worker members withdrew their amendment.

Subparagraph (2)

368. An amendment submitted by the Government member of Lebanon was not seconded and, therefore, not considered.

369. Paragraph 2 remained unchanged.

Paragraph 3

370. The Employer Vice-Chairperson introduced his group's amendment to add the words "consistent with national law and practice" after "measures" to reflect the discussions on the Convention which had indicated that there were many ways of taking these measures.

371. The Worker Vice-Chairperson disagreed. In her opinion, a Recommendation did not create any obligations but only provided guidelines and advice on measures to take. She felt that this amendment would introduce restrictive language; it might be necessary in a Convention but it was inappropriate in a Recommendation. Moreover, she felt that the word "appropriate" gave sufficient scope for considerations of national law and practice. The Government members of Austria and Sweden agreed with the Workers' group, and as there was no Government support for this amendment, the Employer Vice-Chairperson withdrew his amendment.

372. The Worker Vice-Chairperson submitted her group's amendment to add after the word "agencies" the following sentence: "These measures should include laws or regulations which provide for penalties, including prohibition of private employment agencies engaging in unethical practices."

373. The Worker Vice-Chairperson explained that the amendment would extend the provisions of the Convention relating to abuses and fraudulent practices to include unethical practices. The penalties envisaged would not be criminal but they could include some restriction on the activities of PREA.

374. The Employer Vice-Chairperson noted that the Office text referred to all necessary and appropriate measures and that governments could decide what the penalties should be. His group therefore saw the amendment as unnecessary and supported the Office text. The Government members of India and Papua New Guinea agreed with the Employers' group to support the Office text.

375. The Government member of the Netherlands, on behalf of the Member States of the EU, indicated that they could support the amendment even though they did not find it went much further than the Office text.

376. The Government member of Australia proposed a subamendment to replace "should" with "may" and would accept the amendment as subamended. The Workers' and Employers' groups, as well as the Government members of Cyprus and Norway, supported the amendment as subamended.

377. The amendment, as subamended, was adopted.

378. Paragraph 3, as amended and subamended, was adopted.

New Paragraph after Paragraph 3

379. The Worker Vice-Chairperson introduced an amendment to insert a new paragraph composed of the two following subparagraphs:

(1) Workers employed by private employment agencies, as defined in Article 1.1(b) of the Convention, should have a written contract of employment specifying their terms and conditions of employment.

(2) The terms and conditions of employment, including appropriate occupational benefits of workers employed by private employment agencies, as defined in Article 1.1(b) of the Convention, should be no less favourable than those applying to comparable employees of either the user enterprises or enterprises in the same or similar branches of economic activity.

380. The Worker Vice-Chairperson explained that this proposal built on the new Article after Article 8 of the Convention. Workers employed in PREA should receive a written contract of employment and their terms and conditions of employment should not be less favourable than those applying to workers in the same or similar branches of activity. This would not imply obligations since it was in the Recommendation.

Subparagraph (1)

381. The Employer Vice-Chairperson pointed out that written contracts were not required in many Member States; indeed if they were required, workers could not in many cases be deployed in time. The Employers' group suggested the following subamendment to replace subparagraph (1) of the Workers' amendment by: "According to national law and practice, workers employed in private employment agencies, as defined in Article 1.1(b) of the Convention, should be informed of the conditions of employment before the effective beginning of the assignment."

382. The Government member of Norway understood the reasons behind the Workers' amendment but stressed that a requirement to have a written contract would slow down the deployment of workers. He suggested a subamendment to subparagraph (1) by inserting after "should have" the words "where appropriate" and adding at the end of subparagraph (1) "and should, as a minimum requirement, be informed of the conditions of employment before the effective beginning of the assignment" as suggested in the Employers' subamendment.

383. The Government member of the Netherlands, after consulting the Member States of the EU, proposed a subamendment to add after "written contract" the words "or other written document".

384. The Government members of Australia, Botswana, Cyprus, Switzerland and the United States expressed their support for the Norwegian subamendment. Both Workers' and Employers' groups accepted the Norwegian subamendment.

385. Subparagraph (1), as amended and subamended, was adopted.

Subparagraph (2)

386. The Employer Vice-Chairperson noted that it was generally accepted that short-term contract holders could not be compared with regular workers. This did not mean that they should be treated negatively. Permanent workers often had different preferences regarding the distribution of wages and benefits to those of short-term workers. The Employers' group therefore rejected subparagraph (2).

387. The Workers' Vice-Chairperson pointed out that subparagraph (2) was designed to avoid the development of a second-class workforce which had second-class wages and benefits and might be used to undermine the terms and conditions provided for under collective agreement. More and more workers found themselves in triangular work arrangements and there was no rationale for excluding them from normal wages and benefits. The Workers' group did not want PREA to provide cheap and unprotected labour which undermined collective agreements and labour relations.

388. Some Government members, although sharing the Workers' concern and agreeing with the spirit of subparagraph (2), felt that this subparagraph would imply interference in the collective bargaining process and wage setting. In their view, the Committee should not set rules aimed at equalizing all forms of worker-employer relationships. Therefore, they would prefer to delete subparagraph (2).

389. The Government member of the United States suggested a subamendment to replace the last part of subparagraph (2) by "should take into account the terms and conditions of employment and reflect, where appropriate, the worker-employer relationship provided for in Article 4". The subamendment was supported by the Government member of Australia.

390. The Worker Vice-Chairperson was concerned that there was not a general acceptance of the sentiments contained in the second part of the amendment because it might imply the possibility that temporary workers undermined the terms and conditions set by collective bargaining. She suggested a subamendment to insert in the third line between "should" and "no less favourable" the words "be established and determined through normal collective bargaining arrangements and should in principle be ...".

391. The Employer Vice-Chairperson still felt that this subamendment interfered in the normal collective bargaining process and free wage-setting. He also indicated that it was difficult to have a basis for comparison. In most cases PREA supplied a few workers who were employed in a fashion which made comparison with permanent workers difficult. This would not create conditions for favourable employment.

392. The Worker Vice-Chairperson pointed out that Recommendations were simply guidelines or codes of "good practice" and they implied no obligation on the part of governments. The Recommendation should make a strong plea for not allowing workers employed by PREA to be used as cheap labour and to undermine collective bargaining. She also reminded the Committee that many temporary workers had nothing to fall back on at the end of their working life.

393. The Government member of Australia wondered where the line would be drawn with respect to the proposal that the terms and conditions of employment should be "no less favourable than those applying to comparable employees". He feared that this would have a ratchet effect on wages leading to higher unemployment. Legislation in Australia allowed permanent employees to enter into individual contracts making the idea of comparison of conditions unsustainable.

394. The Government member of the United States cited the phenomenon observed in the United States of temporary workers moving on to permanent employment after an average of eight weeks and two days. He said that flexibility in the labour market had encouraged this process. If subparagraph (2) of the proposed amendment was adopted those who sought temporary employment would be priced out of the market.

395. The Government member of Switzerland enquired if it would be possible to list the conditions of employment that would be "no less favourable". She felt that this should include protection under social security.

396. The Government member of Botswana agreed with subparagraph (2) proposed by the Workers' group but he would prefer to delete the term "user enterprises".

397. The Worker Vice-Chairperson indicated that her group had tried to take into account the concerns of the Employer members and a number of Government members on the need to support collective bargaining. Referring to the earlier statement of the Australian Government member, she pointed out that there were instances when collective bargaining did not work and they wanted wording which provided for those workers in this situation. Replying to the United States Government member, she said that one should remember that cheap and unprotected labour priced "quality and real" jobs out of the market. This gave unfair advantage to firms hiring cheap labour. Responding to the Employers' group, she said that her group was not concerned about restricting competition but with unfair competition in the labour market.

398. A large majority of Government members expressed their preference for deleting subparagraph (2) and the Worker Vice-Chairperson withdrew her group's amendment to that effect.

399. The new Paragraph with its subparagraph (1), as amended and subamended, was adopted.

Paragraph 4

400. The Employer members submitted an amendment to delete Paragraph 4. The Employer Vice-Chairperson recalled that there had been a fairly difficult debate on this issue when the draft Convention was being discussed. They had earlier thought that this paragraph might have been part of the draft Convention and that was why they had moved to delete it.

401. The Worker Vice-Chairperson opposed the deletion of Paragraph 4 since it not only gave guidance on this important question but it also gave a general thrust to the principle.

402. The Government member of the Netherlands, on behalf of the Member States of the EU, stated that it was the practice in most countries to avoid strike breaking by temporary work agencies. Therefore she could not support the amendment and would support retaining the Office text. Similarly, the Government member of Sweden supported the Office text, but asked for clarification as to whether the text also envisaged illegal strikes.

403. The Employer members, in view of the position expressed by the Government members, accepted the Office text with an amendment to replace "exercising the right to strike" by "on strike". The Workers' group endorsed the subamendment.

404. An amendment submitted by the Government member of Lebanon was not seconded and therefore not considered.

405. Paragraph 4, as amended, was adopted.

Paragraph 5

406. The Government members of the Netherlands, on behalf of the Member States of the EU, submitted an amendment to replace the Office text by the following: "The competent authority should combat unfair advertising practices and misleading advertisements, including advertisements for inexistent jobs" to improve the wording.

407. Both the Employer and Worker members supported the amendment.

408. The amendment was adopted and Paragraph 5, as amended, was adopted.

New Paragraph after Paragraph 5

409. The Worker members submitted an amendment to insert a new Paragraph in the proposed Recommendation as follows:

> Private employment agencies should: (a) not knowingly recruit workers for jobs involving undue hazards or risks or where they may be subjected to abuse or discriminatory treatment of any kind; (b) inform migrant workers, as far as possible in their own language or in a language with which they are familiar, of the terms and conditions of employment.

410. The Worker Vice-Chairperson, introducing the amendment, explained that it covered two areas of problems in the activities of PREA. Firstly, that temporary workers were asked to take risks which permanent workers would not. This gave rise to some kind of discriminatory treatment which was unacceptable. Secondly, that migrant workers faced difficulties of language in the transmission of information. PREA should give relevant information "as far as possible" in the language of the worker or in a language with which the latter was familiar. It was not always possible to arrange for this, but some safeguards were necessary.

411. The Employer Vice-Chairperson asked for clarification as to whether clause (a) of the amendment recognized that employment existed in high-risk occupations; if so the wording had to be slightly revised. He also indicated that the Employers' group supported clause (b) of the Workers' amendment and would even be prepared to build on it.

Clause (a)

412. The Worker Vice-Chairperson acknowledged that the wording of clause (a) might be confusing and said that her group had intended that workers should not "knowingly" be recruited for jobs that would expose them to undue hazards and risks. They did not want to rule out workers undertaking risky jobs but they wanted to ensure that there should be adequate safety and health measures. The Government member of Cyprus proposed a subamendment to replace "hazards or risks" by "risks to safety and health".

413. With the consent of the Committee, the Chairperson agreed to submit the rewording of clause (a) of the Workers' amendment to the Drafting Committee to reflect the concerns expressed by the Employers' group.

Clause (b)

414. The Government member of Japan said that the phrase "as far as possible" would raise practical difficulties in Japan and proposed a subamendment to replace "as far as possible" by "if possible". The Workers' group opposed this subamendment. On the same issue, the Government member of Switzerland asked to be clarified if trans-border workers should be included under the term "migrant workers".

415. The Employers' group proposed a subamendment to insert after the word "familiar" the phrase "of the nature of the position offered and of the applicable ...". The Workers' group agreed with the subamendment.

416. Clause (b), as subamended, was adopted.

417. The new Paragraph, as amended and subamended, was adopted.

Paragraph 6

418. An amendment submitted by the Government member of Lebanon was not seconded and therefore not considered.

419. The Employer members submitted an amendment to add at the beginning of Paragraph 6 the following: "Subject to national law and practice, private employment agencies should not draw up and publish vacancy notices...". He felt that the word "prohibited" was too strong; ethical guidelines or codes of practice were often more effective.

420. The Worker members preferred the Office text. They replied that if there was no prohibition, it would mean that the practices concerned would be permitted in some circumstances. They also repeated their objections to the reference to "national law and practice" in a Recommendation.

421. The Employer Vice-Chairperson clarified the misunderstanding by stating that the Employers' group wanted to throw a wider net to include trade associations because without their support, prohibition would be ineffective.

422. Following the Employer Vice-Chairperson's explanations, the Worker Vice-Chairperson proposed to insert in the Office text after the word "prohibited" "by other means".

423. The subamendment of the Workers' group was as follows:

> Private employment agencies should be prohibited, or by other means prevented, from drawing up and publishing vacancy notices or offers of employment in ways that directly or indirectly result in discrimination on grounds such as race, colour, sex, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status, sexual orientation or membership of a workers' organization.

She felt that if the Committee agreed upon the general spirit of this text, it could be submitted to the Drafting Committee. The Employers' group agreed with this proposal.

424. The amendment, as subamended, was adopted.

425. The Government member of the Netherlands, on behalf of the Member States of the EU, introduced his amendment to add after "social origin" the words "or any other form of discrimination provided for in national law and practice". His intention was to bring the text of this Paragraph in line with the Convention. The Employer Vice-Chairperson agreed.

426. The Worker Vice-Chairperson repeated that a Recommendation should not be used as a vehicle to repeat what was in the Convention. She wondered whether the European Union might not withdraw its amendment to make way for the Workers' amendment.

427. When asked for an explanation of this amendment, the Worker Vice-Chairperson stated that the grounds listed in its amendment reflected ILO instruments on discrimination. She felt that the Recommendation should give an indicative list of forms of discrimination, which were not necessarily covered by law and practice. The Government member of the Netherlands agreed to withdraw the EU amendment.

428. The Worker Vice-Chairperson introduced her group's amendment to add at the end of Paragraph 6: "ethnic origin, disability, marital or family status, sexual orientation, trade union membership" She stressed that their intention was to encourage governments to consider including more "grounds" for non-discrimination than those referred to in the Convention. These would not imply additional obligations because they were contained in the Recommendation.

429. The Employer Vice-Chairperson had a problem with what he termed "this shopping list". This was not the language of international instruments. He submitted a subamendment to replace "trade union membership" by "membership of workers' organizations". The Worker Vice-Chairperson agreed.

430. The Government members of Norway, Canada and Cyprus agreed with the amendment as subamended.

431. Paragraph 6, as amended and subamended, was adopted.

New Paragraph after Paragraph 6

432. The Worker members submitted an amendment to introduce a new Paragraph as follows: "Private employment agencies should be encouraged to promote equality in employment through affirmative action programmes." This was intended to give guidelines to PREA since affirmative action programmes should not be considered as being exclusively a matter for the PES.

433. The Employer Vice-Chairperson felt that "affirmative action" was not applicable to the transient nature of the work covered by this Convention. It might have the opposite effect.

434. The Government member of the Netherlands, on behalf of the Member States of the EU, could support the amendment on the understanding that PREA should not have any claims to the public budget. In such a case she would support the proposal of the Workers' group.

435. The Worker Vice-Chairperson pointed out that cooperation between PES and PREA was already well established in some countries where PES could, and often did, subcontract their activities to PREA. Moreover, PREA should not have rights to public funds.

436. The amendment was adopted and the new Paragraph, as amended, was adopted.

Paragraph 7

437. The Employer members submitted an amendment to replace this Paragraph by the text of Article 5 of the proposed Convention.

438. The Employer Vice-Chairperson was of the view that Article 5 of the proposed Convention was detailed enough and there was consequently no need to have a different wording in the Recommendation. However, he had no problems with the principles contained in the Office text.

439. The Worker Vice-Chairperson said that this paragraph was intended to build on Article 5 of the Convention. She did not want to lose the additional guidance contained in the Office text on the handling of personal data.

440. In the absence of support, the Employer Vice-Chairperson withdrew his amendment.

441. Paragraph 7 remained unchanged.

New Paragraph after Paragraph 7

442. The Worker members submitted an amendment to introduce a new Paragraph after Paragraph 7 as follows:

(1) Private employment agencies should store the personal data of a worker only for so long as it is justified by the specific purposes for which they have been collected unless the worker wishes to be on a list of potential job candidates for a specified period.

(2) Measures should be taken to ensure that workers have access to all their personal data as processed by automated/electronic systems or are kept in a manual file. These measures should include the right of workers to examine and obtain a copy of any such data and the right to demand that incorrect data be deleted or corrected.

(3) Unless directly relevant to the requirements for a particular occupation, private employment agencies should be prohibited from maintaining information on the medical status of a worker, or from using such information disqualifying a worker from employment.

443. The Worker Vice-Chairperson submitted the amendment and explained that it had been prompted by the need to protect the privacy of workers. Only data directly relevant to employment should be held by PREA, and only for a limited period of time. Moreover, workers should have the right of access to the data. Medical data in general could be extremely important to the health and safety of the worker and his or her colleagues, but certain medical data liable to restrict employment opportunities should not be used by PREA.

Subparagraph (3)

444. The Worker Vice-Chairperson proposed a subamendment to replace the word "disqualifying" by the phrase "to determine the suitability of a worker for employment".

445. The Employer Vice-Chairperson said that they had problems with the word "prohibited" which was too strong but otherwise they agreed with the essence of this amendment and subamendment. They would also want to ensure that workers themselves had a say on whether such medical information could be maintained by PREA. He then suggested a first subamendment to the Workers' amendment and subamendment as follows: "Unless directly relevant to the requirements of a particular occupation or if a worker wishes to be on the list of potential job candidates for a specific period of time, private employment agencies should not require, maintain, or use information on the medical status of a worker or use such information to determine the suitability of the worker for employment."

446. The Worker Vice-Chairperson said that they could go along with the Employers' subamendment but would like to express their concern that it might open the way for unrestricted maintenance of information by PREA since, in the real world, the vast majority of workers would want to be considered for as many jobs as possible. For this reason wording such as "with the express permission of the workers" should be included.

447. The Employer Vice-Chairperson proposed a second subamendment to deal with this issue by adding: "except in cases where the worker himself accepted it" at the end of his first subamendment.

448. The Worker Vice-Chairperson proposed a third subamendment as follows: "Unless directly relevant to the requirements for a particular occupation, or with the express permission of the worker himself, private employment agencies should not require, maintain, or use information on the medical status of a worker or use such information to determine the suitability of a worker for employment."

449. The Government member of Germany pointed out that agencies might put pressure on workers to agree to their collecting and maintaining medical data. This wording might therefore actually pave the way for pressure being applied on workers.

450. The Government member of Japan said that in his country there were frequent health check-ups of workers. This was in the interest of workers since they themselves might not be aware of their own health problems. He therefore did not feel that it was wise to introduce this limitation of requiring the permission of workers. He would prefer some wording to the effect that the information could be kept if it was in the interest of the workers concerned.

451. In order to deal with the issue raised by the Government member of Germany, the Government member of Australia proposed a sub-subamendment replacing the word "or" by "and" before the words "with the express permission of the workers concerned".

452. Consensus was reached on the amendment and its subamendment, and subparagraph 3 of the Workers' proposed amendment. It would read as follows: unless directly relevant to the requirements of a particular occupation and with the express permission of the workers concerned, PREA should not require, maintain or use information on the medical status of a worker, or use such information to determine the suitability of the worker for employment.

453. Subparagraph 3, as amended, subamended and sub-subamended, was adopted.

454. The new Paragraph, with its subparagraphs as amended, subamended and sub-subamended, was adopted.

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Paragraph 8

455. The Employer members submitted an amendment to delete this paragraph. Introducing his amendment, the Employer Vice-Chairperson said that this paragraph seemed pointless. He expressed doubts about the ability of any governmental authority to determine the adequacy of selection procedures. The Employers' group was certainly not against the adoption of adequate procedures but it was up to PREA to determine the best method of selection. Their survival depended on their efficiency.

456. The Worker Vice-Chairperson said they were opposed to deleting the whole paragraph but agreed that the Office text was not very meaningful. For that reason, they would propose its modification in a later amendment.

457. The Government member of the United States was opposed to the deletion of the paragraph but proposed rewording to include the notion of "proper and efficient selection methods".

458. The Employer Vice-Chairperson then agreed to withdraw the amendment.

459. The Worker Vice-Chairperson introduced an amendment submitted by her group which proposed to replace the word "adequate" by the words "proper and fair". She suggested that she could take up the previous proposal of the Government member of the United States to include also the word "efficient" to qualify "selection methods".

460. The Employer Vice-Chairperson insisted that leaving this issue to the competent authority would amount to interference in the normal business of enterprises. The Employer member of the United Kingdom further explained that in the real world no agency would send an unsuitable worker to an employer, otherwise they would not stay long in business. Paragraph 8 was therefore meaningless since, in practice, PREA themselves were the ones that took the initiative to use the most efficient methods of selection.

461. The Government member of Norway agreed with the amendment of the Workers' group but also appreciated the concerns of the Employers. The Government member of South Africa asked whether the word "fair" included the idea of being culturally fair.

462. At this point, the Government member of Sweden proposed a subamendment to take into account both the Workers' and Employers' concerns:

> The private employment agencies and the competent authority should take measures to promote the utilization of fair, proper and efficient selection methods.

463. There was general agreement with the Swedish proposed amendment.

464. An amendment submitted by the Government member of Lebanon was not seconded and therefore not considered.

465. Paragraph 8, as amended and subamended, was adopted.

Paragraph 9

466. The Worker Vice-Chairperson submitted an amendment to replace Paragraph 9 by the following:

> (1) Private employment agencies providing the services referred to in Article 1.1(b) of the Convention should not prevent the user enterprise from hiring the employee.

(2) Private employment agencies providing the services referred to in Article 1.1(b) of the Convention should not restrict the occupational mobility of the employee or impose penalties on the employee accepting employment with another enterprise.

467. The Worker Vice-Chairperson explained that the amendment was designed to specify in greater detail the problems identified in Paragraph 9. Her group did not want to see unnecessary restrictions on employees placed by PREA. The amendment also addressed the question of restrictions on the user enterprise and deleted the reference to "at the end of an assignment" to protect the freedom of choice at all stages of the employment relationship. Subparagraph (2) of the amendment related to restrictions on the employee such as limitations on the occupational mobility of the employee.

468. The Employer Vice-Chairperson indicated that his group had no problems with either the Office or the Workers' group's text, except for the omission of the words "at the end of an assignment" from the Office text. If these words were omitted, workers would be able to breach contracts. Therefore, his group opposed the deletion of these words.

469. The Worker Vice-Chairperson pointed out that many of these workers were on indefinite assignments and they too should have the same rights, freedoms, duties and obligations as other workers.

470. The Employer Vice-Chairperson noted that in the case of a contract of indefinite duration, the usual laws of contract applied; however, if it was of definite duration there was a need for rules regarding mobility.

471. Noting that the intention of both groups was similar, the Worker Vice-Chairperson proposed a sub-amendment to insert "having due regard to conditions regulating standard employment contracts" at the beginning of both subparagraphs.

472. The Employer Vice-Chairperson was not worried about standard employment contracts but about the non-standard ones; he therefore suggested a sub-subamendment to insert at the beginning of both subparagraphs the following: "subject to the terms and conditions of the workers' contract with the private employment agency".

473. The Worker Vice-Chairperson rejected this sub-subamendment because her group wanted precisely to ensure that workers who were placed by PREA were not given contracts with restrictive clauses which penalized them.

474. The Government member from Switzerland quoted the relevant Swiss legislation and pointed out that there were provisions to ensure that both parties concerned could interrupt fixed-term contracts by giving suitable notice.

475. The Government member of Germany did not know of any country where an employee on a fixed-term contract did not have to give notice of intention to leave before its expiry and suggested the inclusion of a similar clause.

476. The Employer Vice-Chairperson suggested a subamendment to add the words "at the end of a fixed-term contract" at the end of both subparagraphs.

477. The Worker Vice-Chairperson saw a fundamental difference in that a fixed-term contract usually specified terms for termination. However, contracts with PREA often carried additional penalties which the Workers' group wanted to address in their proposed amendment.

478. The Government member from Sweden suggested an introductory sentence to subparagraphs (1) and (2) as follows: "Having due regard to the rights and duties laid down in national law concerning the termination of contracts of employment, private employment agencies providing the services referred to in Article 1.1(b) of the Convention should not ...". The Employer and Worker Vice-Chairpersons saw the proposal of the Government member from Sweden as a possible compromise and agreed to it.

479. The amendment, as subamended, was adopted.

480. Paragraph 9, as amended and subamended, was adopted.

Paragraph 10

481. The Government member of Lebanon had submitted an amendment to include "according to national law" after "should be encouraged". This amendment was not seconded and therefore not considered.

482. The Employer Vice-Chairperson presented an amendment to delete the last sentence of Paragraph 10. Even though he felt that it was appropriate to recommend cooperation between the PES and PREA, it was not necessary to spell out the modalities of this cooperation. Therefore, the second part of the Article could be deleted.

483. The Worker Vice-Chairperson could not agree with this proposal of the Employers as the Recommendation should give guidance on how cooperation and tripartism could be achieved in practice.

484. On behalf of the Member States of the European Union, the Government member of the Netherlands supported the Office text. The Government members of Norway and the United States also wished to retain the full Office text on this paragraph.

485. The Employer Vice-Chairperson, noting that there was little support for deleting the second part of the paragraph, withdrew his group's amendment.

486. The amendment submitted by the Worker members to replace "may" by "should" aimed at making it obligatory to establish tripartite bodies for enhancing the cooperation between the PES and PREA.

487. The Employers' group preferred the Office text and recommended that the word "may" should be retained rather than "should". On behalf of the Member States of the European Union, the Government member of the Netherlands concurred with the Employer members.

488. The Worker Vice-Chairperson expressed her concern at the hesitancy about activities promoting tripartism. After the Government members from Australia and Cyprus had indicated their preference for "may" and pointed out the voluntary nature of cooperation, the Workers' group withdrew their amendment.

489. Paragraph 10 was adopted without change.

Paragraph 11

490. The amendment submitted by the Government member of Lebanon to replace "cooperation" by "coordination" in the introductory sentence was not seconded and therefore not considered.

Clause (a)

491. The Employer members submitted an amendment to delete clause (a) which referred to the "pooling of information and use of common terminology so as to improve transparency of labour market functioning;".

492. Introducing the amendment, the Employer Vice-Chairperson explained that information was a very important component of the competitive advantage of PREA. It was collected at a cost and could be compared to sensitive business data in other companies. To open this information to outsiders and to a public company in the same sector would be inconsistent with normal business practice. The Office text, however, suggested that such information be made freely available to the public employment services. This was not acceptable to the Employers' group.

493. The Worker Vice-Chairperson stated that she could not agree to delete clause (a). The PES and PREA should be able to work alongside each other, as a two-way process of exchange of information. She felt that information should be pooled for reasons of transparency and pointed out that this paragraph was in no way mandatory. It did not call for the pooling of all information and stated that measures "could include" the sharing of information especially of a non-sensitive nature. Therefore, she could not accept the proposal of deletion.

494. The Employer Vice-Chairperson indicated that the activities of PREA and PES were not comparable in this area; individual companies had to pay for information whereas the PES was funded by the taxpayers.

495. The Government member of Australia and the Government member of the Netherlands, on behalf of the Member States of the European Union, did not understand the fears of the Employers. They felt the Office text was sufficiently flexible.

496. The Government member of Turkey pointed out the problems of wage differentials between regions. He supported the Workers' group in this matter and wanted to introduce a few additional words to the amendment; however, he was told by the Chairperson that this was impossible for procedural reasons, namely that the amendment was to delete a paragraph and at this stage it was too late to introduce a new amendment.

497. The Government members of Cyprus, Kenya and Norway also agreed with the Office text and felt that it provided enough flexibility. The Employer Vice-Chairperson, noting that the Governments showed little concern for the Employers, withdrew his group's amendment.

Clause (b)

498. The Employer Vice-Chairperson introduced his group's amendment to delete clause (b), which referred to the "exchanging of vacancy notices". He stated that this was an important point of principle for his group. He reiterated his position on the value of sensitive business information vital for its competitivity.

499. The Worker Vice-Chairperson was opposed to the deletion of this clause for the same reasons she had given in relation to clause (a). She believed that exchanging vacancy notices was another possible area of cooperation between the PES and PREA.

500. The Government member of the Netherlands, on behalf of the Member States of the European Union, thought that exchanging vacancy notices could be helpful even if not all information was given. She basically could not see any problem with this clause.

501. The Employer member of the United Kingdom explained the reality behind this amendment. PREA often canvassed to find clients. It was not reasonable to expect that it should then hand over all its information to a subsidized competitor like PES. He felt there was no objection to handing over statistical information — but there should be no inference that agencies should be obliged to hand over these details.

502. The Government member of Switzerland shared the concern of the Employers. She thought it might be relevant to mention the system recently introduced in Switzerland. Two-way information was entered into the Internet — but on a voluntary basis. The Government member of the Republic of Korea also agreed with the Employers' position; he did not feel that this exchange of information would be useful.

503. The Government members of Cyprus, Kenya and Turkey felt that the Office text was sufficiently flexible.

504. The Employer Vice-Chairperson thought that the Government member of Switzerland had understood his point of view because Switzerland had had some experience in this area. He could accept a reference to statistical data on vacancies because this would exclude sensitive data being communicated to the PES. He also noted that he was very surprised that the Government members seemed unconcerned by the problems of PREA on this subject.

505. The Worker Vice-Chairperson was rather perplexed and wondered why PREA might not consider it appropriate to exchange information on vacancies to improve the functioning of the labour market. Were they really interested in improving cooperation with PES? She did not agree with the proposal of the Employers' group to change the wording of clause (a).

506. The Employer Vice-Chairperson believed that the Government member of Switzerland had clearly appreciated the Employers' concern and point of view. He was prepared to submit a subamendment to ensure that there was a reference to the anonymous nature of information — which did not belong to the public domain.

507. On behalf of the Member States of the European Union, the Government member of the Netherlands could agree to introduce the concept of "anonymous" but she repeated that, on the whole, she had no problem with the Office text. The Government member of Germany felt that PREA and PES could cooperate in many areas — for example, in the placement of handicapped workers

508. The Worker Vice-Chairperson pointed out that clause (b) did not define the nature of the exchange of vacancy notices. The term "anonymous" could rule out situations in which countries might accept an open exchange of vacancy notices. She pointed out that the Committee was discussing a Recommendation which did not contain any legal obligation and the term "could include" was sufficiently flexible.

509. The Government members of Australia and Sweden agreed with the Workers' position. The list was not exhaustive and the clause involved no obligation.

510. The Government member of the United States agreed with the Government member of Australia that the list of measures to promote cooperation under Paragraph 11 was only a list of possibilities. However, he could agree with the Employers' subamendment.

511. The Worker Vice-Chairperson pointed out that it was procedurally incorrect to submit a subamendment to an amendment designed to delete a clause. The Chairperson clarified that if there were tripartite consensus, the proposal to introduce a change at this stage could be considered. However, the Worker Vice-Chairperson disagreed with this proposal and the Chairperson had to concur that there was no consensus.

512. The Employer Vice-Chairperson acknowledged that procedural rules did not allow for any subamendment at this stage of the discussion and he withdrew his group's amendment.

513. Paragraph 11 was adopted without change.

Paragraph 12

514. The Government member of Japan, seconded by the Government member of India, introduced an amendment to replace "should have" by "should in accordance with national conditions and practice, have". In his view, the staff of PREA should be qualified and trained according to national requirements.

515. The Worker Vice-Chairperson considered this amendment unnecessary. She recalled that it had been agreed earlier not to include any reference to national conditions and practice in the Recommendation. The Employer Vice-Chairperson did not support the amendment and the Government member of Japan withdrew it.

516. The Employer Vice-Chairperson withdrew his group's amendment to move this Paragraph between Paragraphs 7 and 8 as it was a matter for the Drafting Committee. The Committee agreed to refer the amendment to the Drafting Committee.

517. Paragraph 12 was adopted without change.

Paragraph 13

518. The Employer Vice-Chairperson withdrew his group's amendment to move Paragraph 13 to the "General provisions" section of the Recommendation as it was a matter for the Drafting Committee. The Committee agreed to refer the amendment to the Drafting Committee.

519. Paragraph 13 as adopted without change.

Adoption of the report, the proposed Convention and the proposed Recommendation

520. At its 18th sitting, the Committee had before it a draft report on its proceedings, which was introduced by the Reporter.

521. The Reporter, when introducing the report, drew the Committee's attention to the context in which its work had taken place. She recalled that the Committee had dealt not only with important issues of principle but also with many details which would have a major impact on the regulation of PREA and the protection of workers. Although she felt that the report was not sufficiently concise on certain controversial issues and did not therefore reflect the finer points expressed by some members, it nevertheless reflected accurately and fairly the positions expressed by them.

522. The Government member of Canada clarified her statement reproduced in paragraphs 196 and 203 of the report. She stressed that every country should have a basic list of categories of discrimination and that national law and practice was intended for any additional form of discrimination. Consequently, she asked that the sentence "She confirmed that national law and practice applied to the entire list of categories of discrimination" be deleted in paragraph 203. The proposed change was accepted by the Committee members.

523. As a result of the above change, the Government members of Sweden and the United Kingdom introduced a change to paragraph 204 of the report by adding at the beginning: "Under the assumption that national law and practice applies to the entire list of categories of discrimination, ...".

524. Several members proposed a number of changes in respect of their respective statements during the discussions, so that the report might reflect more accurately their statements. Subject to these changes the report was unanimously adopted by the Committee.

525. At its 19th sitting, the Committee examined the draft Convention and the draft Recommendation, as they were submitted to it by the Drafting Committee. The Committee noted that the Drafting Committee had not been able to agree upon a final wording for Article 5.1 of the Convention in respect of which it had considered two different wordings. It was therefore obliged to refer the issue back to the Committee, in particular the wording within brackets ",insofar as these are".

526. The Government member of Sweden was very concerned about the text in square brackets; he did not feel that this text reflected the discussion of the Committee. He also queried the meaning of the words "a Member shall ensure" with regard to the obligation that would stem from the Convention. Would this imply that if the list of grounds of discrimination were not covered by national law and practice, a ratifying Member might have to introduce legislation to that end?

527. The Government members of Denmark, the Netherlands and Switzerland indicated that the brackets should be removed and the words within brackets retained in the text.

528. The Government member of Canada did not accept the words within brackets and referred to Article 14 of the draft Convention which stated that: "the provisions of this Convention shall be applied by means of laws or regulations or by any other means consistent with national practice ...".

529. The Government member of Germany held the view that the removal of the square brackets would imply that any discrimination authorized at national level would be accepted as a result of this wording. He also felt that the words within brackets should be deleted. The Government members of France, Italy, Portugal, the United Kingdom and Norway agreed with the Government member of Germany.

530. The Government member of the Netherlands pointed out that age was not a ground for discrimination in his country. If the words in square brackets were deleted, he wondered whether legislation would have to be adopted on the matter.

531. In response to the request for clarifications raised by the Government members of Denmark, the Netherlands and Sweden, the Legal Adviser confirmed that under Article 14.1 of the Convention it would not be necessary for any Member to adopt legislation to implement Article 5.1, provided implementation could be ensured under other means such as court decisions, arbitration awards or collective agreements. The Legal Adviser's interpretation in the light of Article 14.1 was well received by the Committee members.

532. The Government member of Japan, in view of the Legal Adviser's explanation, accepted to delete the words: "insofar as these are" but still had problems with "age". He proposed to put the word "age" after "any other form of discrimination".

533. The Government member of Switzerland agreed with the Government member of the Netherlands and pointed out that in Switzerland there was no specific legislation on grounds for discrimination. Therefore, if the revised Convention No. 96 were ratified, PREA would be disadvantaged as compared to other enterprises. The Worker Vice-Chairperson reacted that she was surprised at Switzerland's statement since it had ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) in 1961.

534. The Employer Vice-Chairperson felt that there was a large minority which did not want to delete the words in square brackets. He proposed a solution to add a new sentence to Article 5.1 as follows: "a member State may authorize exceptions to the provisions of subparagraph 1 above based on existing national law and practice". The Worker Vice-Chairperson said this was obviously unacceptable at this stage as this would undermine Convention No. 111.

535. The Chairperson stated that in accordance with article 67 of the Standing Orders of the Conference, amendments to a text submitted to a committee by its drafting committee could be proposed by the Chairperson after consultation with the Vice-Chairpersons. He therefore briefly suspended the meeting for consultation with the two Vice-Chairpersons. Following this consultation, he proposed an amendment to Article 5.1 as follows:

> In order to promote equality of opportunity and treatment in access to employment and to particular occupations, a Member shall ensure that private employment agencies treat workers without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of discrimination covered by national law and practice, such as age or disability.

536. The Committee understood that such a wording would imply that Members had to ensure, as a minimum requirement, that PREA would not discriminate on the grounds of discrimination that were forbidden under

Article 1(a) of Convention No. 111. However, Members could expand the list of prohibited grounds for discrimination, in particular those relating to age or disability.

537. The Worker and Employer Vice-Chairpersons and the Government members agreed to the amendment proposed by the Chairperson.

538. Article 5, as amended, was adopted.

539. The Committee also made several changes in the French version of the draft Convention and the draft Recommendation, to bring it more into line with the English version.

540. The Reporter, the Employer and Worker Vice-Chairpersons expressed their thanks to the Committee members for their work.

541. The Chairperson thanked the three groups for having worked together in a spirit of tripartism reaching satisfactory compromise solutions. The Committee had formulated and adopted modern and ambitious new standards. Moreover, since governments had ample opportunity to expose their concerns, consensus had been reached on major issues, including on the problems raised by age and disability, he expressed his hope and confidence that the Convention on Private Employment Agencies would be widely ratified.

542. The texts of the proposed Convention and the proposed Recommendation are reproduced below.

543. The report of the Committee and the texts of the proposed Convention and the proposed Recommendation are submitted to the Conference for consideration.

Geneva, 18 June 1997.

(Signed) R. Ramond,
Chairperson.

P. Maesela,
Reporter.

A. Draft Convention on Private Employment Agencies, 1997

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fifth Session on 3 June 1997, and

Noting the provisions of the Fee-Charging Employment Agencies Convention (Revised), 1949, and

Being aware of the importance of flexibility in the functioning of labour markets, and

Recalling that the International Labour Conference at its 81st Session, 1994, held the view that the ILO should proceed to revise the Fee-Charging Employment Agencies Convention (Revised), 1949, and

Considering the very different environment in which private employment agencies operate, when compared to the conditions prevailing when the above-mentioned Convention was adopted, and

Recognizing the role which private employment agencies may play in a well-functioning labour market, and

Recalling the need to protect workers against abuses, and

Recognizing the need to guarantee the right to freedom of association and to promote collective bargaining and social dialogue as necessary components of a well-functioning industrial relations system, and

Noting the provisions of the Employment Service Convention, 1948, and

Recalling the provisions of the Forced Labour Convention, 1930, the Freedom of Association and the Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Discrimination (Employment and Occupation) Convention, 1958, the Employment Policy Convention, 1964, the Minimum Age Convention, 1973, the Employment Promotion and Protection against Unemployment Convention, 1988, and the provisions relating to recruitment and placement in the Migration for Employment Convention (Revised), 1949, and the Migrant Workers (Supplementary Provisions) Convention, 1975, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts, this … day of June of the year one thousand nine hundred and ninety-seven, the following Convention, which may be cited as the Private Employment Agencies Convention, 1997:

Article 1

1. For the purpose of this Convention the term "private employment agency" means any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:

(a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;

(b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks;

(c) other services relating to jobseeking, determined by the competent authority after consulting the most representative employers' and workers' organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.

2. For the purpose of this Convention, the term "workers" includes jobseekers.

3. For the purpose of this Convention, the term "processing of personal data of workers" means the collection, storage, combination, communication or any other use of information related to an identified or identifiable worker.

Article 2

1. This Convention applies to all private employment agencies.

2. This Convention applies to all categories of workers and all branches of economic activity. It does not apply to the recruitment and placement of seafarers.

3. One purpose of this Convention is to allow the operation of private employment agencies as well as the protection of the workers using their services, within the framework of its provisions.

4. After consulting the most representative organizations of employers and workers concerned, a Member may:

(a) prohibit, under specific circumstances, private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1;

(b) exclude, under specific circumstances, workers in certain branches of economic activity, or parts thereof, from the scope of the Convention or from certain of its provisions, provided that adequate protection is otherwise assured for the workers concerned.

5. A Member which ratifies this Convention shall specify, in its reports under article 22 of the Constitution of the International Labour Organization, any prohibition or exclusion of which it avails itself under paragraph 4 above, and give the reasons therefor.

Article 3

1. The legal status of private employment agencies shall be determined in accordance with national law and practice, and after consulting the most representative organizations of employers and workers.

2. A Member shall determine the conditions governing the operation of private employment agencies in accordance with a system of licensing or

certification, except where they are otherwise regulated or determined by appropriate national law and practice.

Article 4

Measures shall be taken to ensure that the workers recruited by private employment agencies providing the services referred to in Article 1 are not denied the right to freedom of association and the right to bargain collectively.

Article 5

1. In order to promote equality of opportunity and treatment in access to employment and to particular occupations, a Member shall ensure that private employment agencies treat workers without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of discrimination covered by national law and practice, such as age or disability.

2. Paragraph 1 of this Article shall not be implemented in such a way as to prevent private employment agencies from providing special services or targeted programmes designed to assist the most disadvantaged workers in their jobseeking activities.

Article 6

The processing of personal data of workers by private employment agencies shall be:

(a) done in a manner that protects this data and ensures respect for workers' privacy in accordance with national law and practice;

(b) limited to matters related to the qualifications and professional experience of the workers concerned and any other directly relevant information.

Article 7

1. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.

2. In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to the provisions of paragraph 1 above in respect of certain categories of workers, as well as specified types of services provided by private employment agencies.

3. A Member which has authorized exceptions under paragraph 2 above shall, in its reports under article 22 of the Constitution of the International Labour Organization, provide information on such exceptions and give the reasons therefor.

Article 8

1. A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other

Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.

2. Where workers are recruited in one country for work in another, the Members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.

Article 9

A Member shall take measures to ensure that child labour is not used or supplied by private employment agencies.

Article 10

The competent authority shall ensure that adequate machinery and procedures, involving as appropriate the most representative employers' and workers' organizations, exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies.

Article 11

A Member shall, in accordance with national law and practice, take the necessary measures to ensure adequate protection for the workers employed by private employment agencies as described in Article 1, paragraph 1(b) above, in relation to:

(a) freedom of association;

(b) collective bargaining;

(c) minimum wages;

(d) working time and other working conditions;

(e) statutory social security benefits;

(f) access to training;

(g) occupational safety and health;

(h) compensation in case of occupational accidents or diseases;

(i) compensation in case of insolvency and protection of workers' claims;

(j) maternity protection and benefits, and parental protection and benefits.

Article 12

A Member shall determine and allocate, in accordance with national law and practice, the respective responsibilities of private employment agencies providing the services referred to in paragraph 1(b) of Article 1 and of user enterprises in relation to:

(a) collective bargaining;

(b) minimum wages;

(c) working time and other working conditions;

(d) statutory social security benefits;

(e) access to training;

(f) protection in the field of occupational safety and health;

(g) compensation in case of occupational accidents or diseases;

(h) compensation in case of insolvency and protection of workers' claims;

(i) maternity protection and benefits, and parental protection and benefits.

Article 13

1. A Member shall, in accordance with national law and practice and after consulting the most representative organizations of employers and workers, formulate, establish and periodically review conditions to promote cooperation between the public employment service and private employment agencies.

2. The conditions referred to in paragraph 1 above shall be based on the principle that the public authorities retain final authority for:

(a) formulating labour market policy;

(b) utilizing or controlling the use of public funds earmarked for the implementation of that policy.

3. Private employment agencies shall, at intervals to be determined by the competent authority, provide to that authority the information required by it, with due regard to the confidential nature of such information:

(a) to allow the competent authority to be aware of the structure and activities of private employment agencies in accordance with national conditions and practices;

(b) for statistical purposes.

4. The competent authority shall compile and, at regular intervals, make this information publicly available.

Article 14

1. The provisions of this Convention shall be applied by means of laws or regulations or by any other means consistent with national practice, such as court decisions, arbitration awards or collective agreements.

2. Supervision of the implementation of provisions to give effect to this Convention shall be ensured by the labour inspection service or other competent public authorities.

3. Adequate remedies, including penalties where appropriate, shall be provided for and effectively applied in case of violations of this Convention.

Article 15

This Convention does not affect more favourable provisions applicable under other international labour Conventions to workers recruited, placed or employed by private employment agencies.

[Final provisions]

B. Draft Recommendation concerning private employment agencies

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fifth Session on ... 1997, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Private Employment Agencies Convention, 1997,

adopts, this ... day of ... of the year one thousand nine hundred and ninety-seven, the following Recommendation, which may be cited as the Private Employment Agencies Recommendation, 1997:

I. GENERAL PROVISIONS

1. The provisions of this Recommendation supplement those of the Private Employment Agencies Convention, 1997, (referred to as "the Convention") and should be applied in conjunction with them.

2. (1) Tripartite bodies or organizations of employers and workers should be involved as far as possible in the formulation and implementation of provisions to give effect to the Convention.

(2) Where appropriate, national laws and regulations applicable to private employment agencies should be supplemented by technical standards, guidelines, codes of ethics, self-regulatory mechanisms or other means consistent with national practice.

3. Members should, as may be appropriate and practicable, exchange information and experiences on the contributions of private employment agencies to the functioning of the labour market and communicate this to the International Labour Office.

II. PROTECTION OF WORKERS

4. Members should adopt all necessary and appropriate measures to prevent and to eliminate unethical practices by private employment agencies. These measures may include laws on regulations which provide for penalties, including prohibition of private employment agencies engaging in unethical practices.

5. Workers employed by private employment agencies as defined in Article 1.1(b) of the Convention should, where appropriate, have a written contract of employment specifying their terms and conditions of employment. As a minimum requirement, these workers should be informed of their conditions of employment before the effective beginning of their assignment.

6. Private employment agencies should not make workers available to a user enterprise to replace workers of that enterprise who are on strike.

7. The competent authority should combat unfair advertising practices and misleading advertisements, including advertisements for non-existent jobs.

8. Private employment agencies should:

(a) not knowingly recruit, place or employ workers for jobs involving unacceptable hazards or risks or where they may be subjected to abuse or discriminatory treatment of any kind;

(b) inform migrant workers, as far as possible in their own language or in a language with which they are familiar, of the nature of the position offered and the applicable terms and conditions of employment.

9. Private employment agencies should be prohibited, or by other means prevented, from drawing up and publishing vacancy notices or offers of employment in ways that directly or indirectly result in discrimination on grounds such as race, colour, sex, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status, sexual orientation or membership of a workers' organization.

10. Private employment agencies should be encouraged to promote equality in employment through affirmative action programmes.

11. Private employment agencies should be prohibited from recording, in files or registers, personal data which are not required for judging the aptitude of applicants for jobs for which they are being or could be considered.

12. (1) Private employment agencies should store the personal data of a worker only for so long as it is justified by the specific purposes for which they have been collected, or so long as the worker wishes to remain on a list of potential job candidates.

(2) Measures should be taken to ensure that workers have access to all their personal data as processed by automated or electronic systems, or kept in a manual file. These measures should include the right of workers to obtain and examine a copy of any such data and the right to demand that incorrect or incomplete data be deleted or corrected.

(3) Unless directly relevant to the requirements of a particular occupation and with the express permission of the worker concerned, private employment agencies should not require, maintain or use information on the medical status of a worker, or use such information to determine the suitability of a worker for employment.

13. Private employment agencies and the competent authority should take measures to promote the utilization of proper, fair and efficient selection methods.

14. Private employment agencies should have properly qualified and trained staff.

15. Having due regard to the rights and duties laid down in national law concerning termination of contracts of employment, private employment agencies providing the services referred to in paragraph 1(b) of Article 1 of the Convention should not:

(a) prevent the user enterprise from hiring an employee of the agency assigned to it;

(b) restrict the occupational mobility of an employee;

(c) impose penalties on an employee accepting employment in another enterprise.

III. RELATIONSHIP BETWEEN THE PUBLIC EMPLOYMENT SERVICE AND PRIVATE EMPLOYMENT AGENCIES

16. Cooperation between the public employment service and private employment agencies in relation to the implementation of a national policy on organizing the labour market should be encouraged; for this purpose, bodies may be established that include representatives of the public employment service and private employment agencies, as well as of the most representative organizations of employers and workers.

17. Measures to promote cooperation between the public employment service and private employment agencies could include:

(a) pooling of information and use of common terminology so as to improve transparency of labour market functioning;

(b) exchanging vacancy notices;

(c) launching of joint projects, for example in training;

(d) concluding agreements between the public employment service and private employment agencies regarding the execution of certain activities, such as projects for the integration of the long-term unemployed;

(e) training of staff;

(f) consulting regularly with a view to improving professional practices.

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International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

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Fifth item on the agenda: General conditions to stimulate job creation in small and medium-sized enterprises

Report of the Committee on Job Creation in Small and Medium-sized Enterprises

1. The Committee on Job Creation in Small and Medium-sized Enterprises was set up by the International Labour Conference at its first sitting on 4 June 1997. It was originally composed of 219 members (82 Government members, 68 Employer members and 69 Worker members). To achieve equality of voting strength each Government member with the right to vote was allotted 2,346 votes, each Employer member 2,829 votes and each Worker member 2,788 votes. The composition of the Committee was modified 7 times during the session and the number of votes attributed to each Member was adjusted accordingly.[1]

2. The Committee elected its Officers as follows:

Chairperson: Mrs. D. Mozdzenska-Mrozek (Government member, Poland);

Vice-Chairpersons: Mr. A. Jeetun (Employer member, Mauritius) and Mr. C.A. Appiah Agyei (Worker member, Ghana);

Reporter: Mr. J. Ott (Government member, the Netherlands).

3. At its 11th sitting, the Committee appointed a Drafting Committee composed of the following members: Mr. C. Bryant (Government member,

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[1] The following adjustments were made:

(a) 5 June: 220 members (86 Government members with 1120 votes each, 70 Employer members with 1376 votes each and 64 Worker members with 1505 votes each);

(b) 6 June: 203 members (86 Government members with 189 votes each, 54 Employer members with 301 votes each and 63 Worker members with 258 votes each);

(c) 7 June: 200 members (87 Government members with 1064 votes each, 56 Employer members with 1653 votes each and 57 Worker members with 1624 votes each);

(d) 9 June: 189 members (87 Government members with 1288 votes each, 56 Employer members with 2001 votes each and 46 Worker members with 2436 votes each);

(e) 10 June: 189 members (88 Government members with 315 votes each, 56 Employer members with 495 votes each and 45 Worker members with 616 votes each);

(f) 11 June: 173 members (88 Government members with 203 votes each, 56 Employer members with 319 votes each and 29 Worker members with 616 votes each);

(g) 12 June: 158 members (88 Government members with 69 votes each, 46 Employer members with 132 votes each and 24 Worker members with 253 votes each);

(h) 16 June: 152 members (88 Government members with 903 votes) each, 43 Employer members with 1848 votes each and 21 Worker members with 3784 votes each).

Canada), Mr. A. Jeetun (Employer member, Mauritius), Ms. D. Drijfhout (Worker member, the Netherlands) and Mr. J. Ott (the Netherlands) as Reporter.

4. The Committee held 16 sittings. The Committee had before it Reports V(1) and V(2), prepared by the Office on the fifth item of the agenda of the Conference: General conditions to stimulate job creation in small and medium-sized enterprises.

Introduction

5. Mr. Ishida, the representative of the Secretary-General, presented Reports V(1) and (2), which had been prepared by the Office as a basis for the Committee's discussion, and in particular the Proposed Conclusions at the end of Report V(2). He mentioned the scope and importance of small and medium-sized enterprises (SMEs) in a world economy which was globalizing at a rapid pace. This was generating remarkable economic growth together with employment in some parts of the world, particularly in East Asia; but in other countries it was creating economic and social problems, such as increased unemployment, underemployment and poverty as well as a deterioration in working conditions and living standards. Many large enterprises tended to downsize and restructure to remain competitive, thus reducing employment opportunities. It was mainly in SMEs, including micro-enterprises, that new employment opportunities were being created.

6. The ILO had long been concerned with enterprise and cooperative development in developing countries through its efforts to promote employment, decent working conditions and social justice. Such efforts had included entrepreneurship and management training, productivity improvement and equitable gains-sharing and cooperative development for job creation and poverty alleviation. The ILO was also in the process of developing an international small enterprise development programme (ISEP), a comprehensive package including training components such as Start and Improve Your Business and other financial and non-financial business development support services.

7. The Governing Body had decided in March 1995 to place the topic of General conditions to stimulate employment creation in small and medium-sized enterprises on the agenda of the International Labour Conference. The discussion came at a time when employment was a major concern for most member States: statistics quoted in the report prepared by the Office for this Committee confirmed that small and medium-sized enterprises accounted for the vast majority of existing and particularly new jobs in both industrialized countries and developing countries. This situation was even more pronounced in transition economies where large-scale restructuring, privatization and the introduction of free market principles had resulted in the rapid growth of the SME sector.

8. The representative of the Secretary-General recognized, however, that the economic and social performance of the SME sector was diverse in terms of productivity, working conditions and social protection. In some cases high productivity and decent working conditions could be observed, but in many cases there was room for improvement.

9. The ILO was increasingly expected to be a centre of excellence as well as a centre of reference for employment, human and social issues in this newly globalized environment. While existing ILO instruments covered the SME sector, no fully comprehensive and coherent set of guidelines existed that specifically promoted employment through SMEs. The absence of a specific standard on general conditions to stimulate job creation in SMEs was therefore an important *lacuna*.

General discussion

10. In commenting on the Proposed Conclusions, the representative of the Secretary-General pointed out that at the time that these Proposed Conclusions were prepared, replies had been received from 71 Governments, and seven more had responded too late to be included. In addition, the Office had received separate replies directly from a considerable number of employers' and workers' organizations. With regard to the form the instrument should take, a large majority of the replies indicated that the most appropriate would be a Recommendation since a Recommendation provided considerable flexibility and could accommodate differing local conditions and circumstances.

11. In his opening speech, the Worker Vice-Chairperson expressed support for adoption of a Recommendation in this area and strongly favoured measures to enhance job creation in the SME sector. With an increasing number of jobs created by SMEs, workers in SMEs probably constituted the majority of the world labour force. Consequently, the *quality of employment* in SMEs, i.e. good working conditions, social protection, security and fairness, etc., should be an integral part of a wider strategy to promote efficient and competitive SMEs. A strong statement on the importance of improving basic working conditions in SMEs was needed.

12. Achieving higher efficiency and competitiveness could be greatly facilitated by the achievement of a higher level of workers' representation in SMEs through the fullest application of the right to freedom of association and labour protection legislation including adherence to safety regulations.

13. Equally important and needed were mechanisms to promote and achieve equal opportunities in employment, education, training, income, etc., in view of the continuing discrimination against women, and cases of racial and ethnic discrimination. Similarly, measures to ensure that SMEs did not engage in the employment and exploitation of children were needed.

14. In conclusion, the Worker Vice-Chairperson cautioned that the proposed instrument should not only cover issues related to the provision of an enabling environment and services to promote the growth of SMEs, but also cover measures related to the improvement of the quality of employment.

15. Introducing the position of the Employer members, the Employer Vice-Chairperson stated that there had been a revival of interest in SMEs, especially with the aggravation of the unemployment situation worldwide, with the average unemployment rate in the industrialized economies at 8.6 per cent, while in developing countries unemployment rates were generally even higher. In many African countries unemployment exceeded 20 per cent. Unemployment of such a magnitude was a cause of growing concern among all segments of society given its economic, social and political repercussions.

16. In such a difficult and challenging environment SMEs had been a silver lining on the horizon since they had been instrumental in minimizing the impact of unemployment and in cushioning the impact of recession by providing a means of livelihood for the bulk of the population in many countries. As they operated in all sectors, SMEs were an essential component of the industrial, commercial and economic structure of all countries of the world.

17. The case for employment creation by SMEs was based on sound and strong economic grounds. Since SMEs were labour-intensive and used local resources, additional jobs could be generated in a relatively short period. Thus, by channelling scarce capital resources to SMEs, particularly in developing and transition economies, employment opportunities could be maximized.

18. SMEs had proved to be more resilient to economic crises and had the capability of adapting themselves quickly to the changing economic environment, while it was widely recognized that they were dynamic and highly innovative.

19. The Employer Vice-Chairperson added that SMEs represented the bulk of enterprises worldwide. All these enterprises created productive jobs in the private sector and made a contribution to foreign exchange earnings in many countries. For example, in India, SMEs represented one-third of exports. He asked the participants to bear in mind all these advantages of SMEs before formulating any conclusions which could constitute constraints on SME development and thus "kill the goose that lays the golden eggs". As mentioned in the report some countries had already successfully promoted SMEs.

20. The Employer Vice-Chairperson stated that the performance of SMEs is also linked to the economic growth of countries. The Mauritian economy for instance had expanded by about 6 per cent a year for more than 15 years. During that time, the employment share of SMEs had gone up from 30 per cent to 42 per cent. In the nineties while employment in large enterprises had been almost stagnant, small enterprises generated virtually all the new jobs. Countries where SMEs had grown most rapidly had provided a congenial environment for enterprises to operate in and, consequently, their populations had reaped the benefits in terms of enhanced economic growth, higher per capita income, better standards of living, improved health and education opportunities. He considered it essential to create a business-friendly and enabling environment conducive to the growth of all enterprises — small, medium and large enterprises. All these enterprises formed a continuum and coexisted, belonging to the same family and standing on the basic foundation of private enterprise, the main characteristics of which were risk-taking, initiative and entrepreneurship.

21. The Employer Vice-Chairperson further mentioned that enterprises did not operate in a vacuum but in a broad political and economic framework which determined in large measure their development and success. As an ILO publication had put it "the best environment for small firms is a relatively free market that provides equal incentives and opportunities for all enterprises".

22. With rapid economic growth and higher purchasing power the demand for all types of goods and services expanded thereby enhancing the scope for SMEs. He felt that, generally, an overall policy mix favourable to large enterprises, was bound to have a salutary effect on SMEs as well. But a special package of incentives and policies targeted to SMEs could also be highly beneficial since it embodied a government's commitment to SMEs rather than just paying lip-service to it; it established a well-defined framework for SMEs to operate in; it removed to a certain extent the bias that government programmes may seem to have in favour of large enterprises; it encouraged entrepreneurship and individual initiative; and its impact on the target group could be gauged more accurately.

23. In the Employers' view key ingredients of an enabling environment for SMEs were political stability; good governance; acceptance of the concept of a mixed economy and of market mechanisms; effective and consistent policies (fiscal, monetary, wage, trade, labour, taxation, etc); appropriate investment incentives; internationalization of government regulatory measures and elimination of bureaucracy; investment in infrastructure; and investment in human capital.

24. The Employer Vice-Chairperson added that any enterprise was a combination of technical, commercial, financial and human resources, all of which formed part of production costs. To increase employment enterprises had to be competitive. This was all the more important in an era where enterprises had to adapt to a world environment characterized by a high degree of competition.

25. As the report rightly indicated "the objective for SMEs is to remain *flexible* and *competitive* by upgrading *quality* and *productivity* and keeping costs low". Their flexibility was particularly important since a rigid framework would stifle rather than promote SMEs.

26. Furthermore, to be competitive, SMEs had to improve productivity and quality which would provide the scope for a greater contribution to the economy, improved efficiency and more and better job opportunities. Productivity and quality could be enhanced through training. The ILO had spearheaded many projects and programmes in this respect and could contribute significantly through its expertise and strong comparative advantage.

27. The Employer Vice-Chairperson ended by stating that the ILO, which had always been in the forefront of SME development, had a great responsibility in providing technical assistance to help SMEs remain competitive in a globalized economy. It had promoted SMEs and entrepreneurship development perhaps more than any other institution and had helped to promote management and technical training. He wanted the ILO to continue this task with vigour and with more resources.

28. The Government member of Egypt encouraged the ILO to adopt an instrument in view of the contribution SMEs could make to employment creation worldwide and in Egypt in particular. She felt that the instrument should be flexible in order to be applicable to all sectors and keep in mind the interests of both employers and workers. She was convinced that such an instrument would reinforce tripartism.

29. The Government member of France strongly supported the initiative to put the item on the agenda. This reflected the increased importance that the ILO rightly attached to employment questions. He observed that the issue of employment creation was particularly important in a context where many workers had to be retrained and young people and women were entering the labour market. Statistics showed that SMEs were currently the main source of new jobs. He therefore recommended that the instrument to be adopted should serve as a point of reference for action to be taken by Governments and social partners and for international cooperation in this area.

30. The Government member of Côte d'Ivoire informed the Committee of a tripartite workshop on the effects on employment of the devaluation of the CFA which had recently taken place. He wondered whether the report of the meeting was available and if so if it contained any conclusions with respect to SMEs which were of relevance to the deliberations of the Committee.

31. The deputy-representative of the Secretary-General informed the Committee that he knew of the workshop but that he believed that the report was not yet available in Geneva. He undertook however to contact the Office's Director for Africa and would inform the Committee accordingly.

32. The Government member of Norway appreciated the initiative to put the item on the agenda. She considered that SMEs played a key role in employment. In her own country for instance they constituted 96 per cent of all enterprises and employed 40 per cent of the labour force. She felt that the Proposed Conclusions constituted a good basis for a constructive discussion which should lead to the adoption of a Recommendation which could help countries create a fertile environment for SMEs.

33. The Government member of Canada stated that his Government recognized the important contribution SMEs made to employment creation. Its policy had been founded on the establishment of a stable and non-interventionist economic and political climate which encouraged natural entrepreneurial spirit, risk-taking and business growth; the elimination of barriers to growth; and the provision of international leadership to stimulate growth and jobs. Although his Government supported the idea of a Recommendation he cautioned that such an instrument should not treat SMEs as smaller big enterprises with all the attendant rules and regulations. The instrument should rather promote effective support services, many of which did not need government intervention, and policies which encouraged growth and innovation. National policies should also take into account the social dimensions of the SME sector and the concerns of organizations representing SMEs.

34. The Government member of Kenya felt that the reports under consideration did not distinguish clearly between SMEs in the formal sector and micro-enterprises in the informal sector. He believed that it might be necessary to devote a separate section to such enterprises. In addition he stated that the eventual instrument should allow for differences between countries and regions in the sense that small in one country may be considered big in another.

35. The Government member of Greece stated that SMEs were particularly effective in respect of employment creation because of their flexibility. They therefore required simple regulations and tax regimes and ways and means needed to be found to help them introduce new technology quickly and train their workers. She also emphasized the importance of the availability of financial services for SMEs.

36. The Government member of Denmark considered the item of the agenda very important since it reflected the role SMEs could play in stimulating growth and welfare. While expressing general support for the comprehensive way the Office had listed all the issues involved in SME development she felt that particular attention needed to be paid to stimulating an entrepreneurial culture and to making available effective support services.

37. The Government member of Japan emphasized the importance of SMEs for employment and added that his Government supported the Proposed Conclusions as submitted to the Committee.

38. The Government member of the United States recalled the broad range of ILO instruments related to employment creation in SMEs. There was, however, no coherent set of guidelines integrating the best thinking on employment creation through enterprises of this scale. The Proposed Conclusions, based upon replies to a questionnaire, provided the starting-point for this initial discussion.

39. The creation and maintenance of good jobs depended largely on the business environment. Dynamic competition made an important contribution to the growth of productivity. The spirit of entrepreneurship was crucial for fostering job creation. Not all policies were conducive in this respect. Governments therefore needed to consider which policies were the most appropriate in an increasingly globalized economy.

40. He recalled in this context that regulation — which might be warranted at some point — could be an obstacle to competition and innovation. Promoting competition through ease of entry, privatization and deregulation lowered prices and improved services. This in turn created new jobs and higher incomes. Product market restrictions — such as land-use restrictions, limits on store hours and the use of part-time employment, and barriers to entry in distribution — also limited job creation.

41. Market-based economies underwent continual creation and destruction of jobs. Existing plants and businesses expanded or contracted, new plants and enterprises started up, and old plants and firms shut down. In a dynamic market economy enterprises grew and shrunk under the influence of competition from foreign and domestic rivals, negotiations between employers' and workers' organizations, restructuring, availability of credit and other financial services, regulatory and tax law changes, and changes in the cost and availability of labour and non-labour inputs.

42. He emphasized that a small number of highly successful SMEs grew very rapidly, but SMEs also failed at a disproportionate rate. Large, mature enterprises accounted for most newly created (and newly destroyed) manufacturing jobs. Smaller manufacturing enterprises exhibited sharply higher gross job-creation rates but not higher net creation rates. One-year survival rates for the stock of existing jobs increased sharply with employer size and age; the short-term survival rates of newly-created jobs rose with employer size. In terms of both new jobs and the typical existing jobs, larger employers generally offered greater job durability in manufacturing sectors.

43. He concluded by expressing support for the adoption of an instrument in the form of a Recommendation on general conditions to stimulate job creation in SMEs, which articulated the importance of a private enterprise based economy in the achievement of economic growth, employment creation and social progress.

44. The Government member of Italy noted the widespread presence of SMEs in her country and their enormous contribution to creating and maintaining jobs. As an illustration, she pointed out that in 1994 large enterprises had shed 125,000 jobs, while SMEs had created 200,000. She supported the Proposed Conclusions as they were flexible and allowed for national specificities. She encouraged tripartite consultations at local, regional and national levels as had already been suggested during the Enterprise Forum. She wished however to see more emphasis placed on women entrepreneurs.

45. The Government member of Côte d'Ivoire recalled the Fifth Biennial Meeting of African Employment Planners in Pretoria held in January 1997 under the auspices of the ILO. This important regional meeting had underlined the role of SMEs in employment promotion in Africa. He recalled in particular issues related to employment strategies, the linkage between employment planning and enterprise promotion, the need for suitable financial mechanisms, and the orientation of investments towards labour-intensive public works programmes and SMEs. This general orientation had been strongly endorsed by the 20th Session of the OAU's Labour and Social Affairs Committee held in April 1997 in Addis Ababa. His Government had initiated several programmes for the self-employed, micro-enterprises and SMEs. In this context he referred specifically to the crucial role of Social Funds.

46. The Government member of Poland stated that recently many business supporting institutions had been established in Poland, including several financial assistance programmes. Government policy with regard to this group of enterprises was targeted at the creation of advantageous political, legal and economic conditions. An important contribution to the development of government policy with regard to SMEs was Poland's association with the European Union. Government policy with regard to SMEs was based on the industrial policy adopted in 1993 and the "international competitiveness of Polish industry" programme adopted by the Economic Committee of the Council of Ministers in 1994. In addition, the Ministry of Labour and Social Policy had initiated programmes aimed at promoting enterprise, vocational self-organization and supporting SME development.

47. Particular emphasis was placed on mechanisms and institutions promoting job creation through self-employment and small businesses, such as enterprise promotion centres, enterprise development funds and enterprise incubators.

48. In Poland there was growth of entrepreneurship among unemployed people. A crucial contribution in this field was made by self-employment loans through the Labour Fund. Additionally, in terms of funding, there were increasing attempts to involve employment services so that they might have access to self-employment assistance provided by the World Bank and PHARE, as well as some bilateral projects. In this context SMEs were important to absorb the manpower surplus from large enterprises, now in the process of restructuring and/or privatization.

49. The Government member of New Zealand did not support the introduction of an instrument concerning the general conditions to stimulate job creation in SMEs since he considered it inappropriate to use special instruments to target specific sectors of the labour market. The most efficient way to create jobs was to establish a supportive economic environment for all firms regardless of size. This could best be achieved by removing as much uncertainty from macroeconomic policy as possible. In New Zealand this had led to the stimulation of SMEs.

50. It was the policy of the Government of New Zealand to open up business opportunities to all firms while facilitating their ability to respond quickly to these opportunities. Opening up the labour market, deregulating capital markets, and increasing competition by lowering protective barriers to trade had created an environment in which job growth and the creation of SMEs had thrived. The goal was to reduce the compliance costs for SMEs by simplifying the company tax system and the regulatory environment.

51. Given the considerable variation in SME experience among ILO member States, his Government believed that it would be extremely difficult to draft an instrument that would accommodate the diversity of national policies and practice in this area.

52. The Government member of the Sudan said that his country had adopted a national strategy to promote social development through SMEs. To this end, several policies had been adopted to create a conducive environment. In addition, specific targeted programmes had been launched involving access to credit, other financial services and land ownership. The National Development Bank had been closely involved in this venture. He felt that international cooperation should be emphasized more in the Proposed Conclusions and the role of the ILO needed to be more clearly described.

53. The Government member of Ireland stated that SMEs were not homogeneous and that it was difficult to target measures at them. It was more appropriate to create a suitable economic environment. The instrument to be adopted needed to be flexible since not all SMEs needed support.

54. The Government member of the United Kingdom said that SMEs were crucial for the United Kingdom economy where firms with fewer than 100 employees formed 97 per cent of businesses, and these same firms employed over 80 per cent of the workforce. The United Kingdom therefore had no difficulty in accepting the spirit of the Proposed Conclusions.

55. Her Government had some difficulties with the details of the Proposed Conclusions. A standardized approach was inappropriate. Member States might indeed share similar objectives but they might have very different ways of achieving those objectives. Businesses operated best in a stable macroeconomic climate characterized by low inflation, incentive-based taxation and minimum regulation. The definition of SMEs was also not clear. Further research was needed into the common economic and other difficulties faced by SMEs in member States.

56. The Government member of Syria pointed out that the Proposed Conclusions were in the spirit of the ILO Constitution and the Declaration of Philadelphia. While the instrument to be adopted was economic in nature the goal was social. It would need to be flexible and fully take into consideration existing ILO instruments. In his country a special investment law provided financial incentives for SMEs taking on workers. It was important to ensure adequate protection of workers in SMEs. The fundamental safeguards and workers' rights were important regardless of enterprise size.

57. The Government member of Korea stressed the importance of SMEs in the national economy of his country, in terms of employment generated, production and added value. He noted, however, that each country was unique; thus, while the Proposed Conclusions were acceptable, they should not be enforced rigidly.

58. The Government member of Spain noted the priority which was accorded to the SME sector in his country in view of the current high level of unemployment. He informed the Committee that the Proposed Conclusions were in line with the current policies of his country.

59. In relation to the amendments which he had submitted, the Government member of Kenya expressed the view that the Conclusions as currently proposed would in effect marginalize the informal sector and micro-enterprises. He noted the interest of many countries in these types of enterprise, which often provided the main employment opportunities available to disadvantaged groups. The Government member of Algeria, while supporting the Proposed Conclusions, noted that micro-enterprises were especially important for job creation in his country.

60. The Government member of China stressed the importance of the SME sector in his country, in terms of numbers of enterprises and employment generated; both urban and rural SMEs played vital roles. He noted that the Proposed Conclusions should be brief and clear. In this regard, the main components of government policy in China were the reform of state-owned enterprises and the adoption of stable policies relating to taxation and supportive measures.

61. Several Employer members stressed the need for a flexible instrument which should not impose any additional regulatory burden on SMEs, but rather remove barriers to growth. Many SMEs were fragile, while the costs of regulatory compliance were higher for smaller enterprises than for large enterprises. In the United States for instance the yearly cost of complying with regulations amounted to $2,200 per worker in large enterprises, to $4,400 in enterprises with between 200 and 300 workers and to $5,500 in enterprises with fewer than 20 workers. It was noted that, while the Employer members were continuing to discuss the Proposed Conclusions, all agreed on the importance of SMEs in generating economic growth and employment opportunities.

62. The importance of adding a gender perspective was stressed by an NGO representative of the International Federation of University Women. She noted that statistical data in particular should distinguish by gender, so that those designing measures to support women in SMEs could be adequately informed of the differential impact on both women and men, which would show the competitive advantage of women in job creation in SMEs.

Consideration of the Proposed Conclusions contained in Report V(2)

A. Form of the instrument

Point 1

63. Following opposition by both the Employer and Worker Vice-Chairmen to an amendment submitted by the Government of Kenya and seconded by the Government of Zimbabwe proposing to insert a reference to the informal sector and micro-enterprises, the Government member of Kenya withdrew the amendment on the understanding that he could submit a similar amendment for inclusion elsewhere in the Proposed Conclusions.

64. Point 1 was adopted without change.

Point 2

65. Since it was not seconded the Government of Kenya withdrew an amendment to adopt both a Convention and a Recommendation.

66. Point 2 was adopted without change.

B. Preamble

Point 3

67. The Employer Vice-Chairperson introduced an amendment to modify the suggestions for a possible Preamble since he felt that the Preamble should be more positive and forward-looking, while it should also acknowledge the important work undertaken with respect to SMEs by the Office. References to specific Conventions were not appropriate since most of those mentioned had not been widely ratified and the references would make the instrument overloaded whereas it should be flexible and widely diffused. The Worker Vice-Chairperson opposed the amendment since it was without precedent and its contents was covered in later sections of the Proposed Conclusions. He considered references to other instruments particularly important given the positive reactions received from Governments in their replies to the questionnaire contained in Report V(1).

68. The Government members of the Unites States, Canada and Côte d'Ivoire were not sure that all references to ILO instruments were relevant but although they agreed that there was a need to modernize ILO instruments they were uneasy as to the wording of the proposed amendment. They therefore suggested that the secretariat formulate new proposals for a possible Preamble on the basis of the discussion in the Committee and further consultations. The Government member of France did not support the amendment since he felt that the traditional form should be retained.

69. The deputy representative of the Secretary General clarified that the suggestions for a possible Preamble had been prepared on the basis of the replies received to the questionnaire and were in a form which was usual for ILO instruments. He indicated however that the secretariat was ready to reformulate the suggestions if the Committee so decided. The Employer Vice-Chairperson had no objection against a reformulation provided it reflected the concerns of the Employer members. The Worker Vice-Chairperson had no objection either provided the reformulation would in fact consist of additions to the suggestions for a Preamble as proposed by the Office. Following further expressions of support for reformulation by the Government members of the Philippines, Botswana and Kenya and consultations with the Employer and Worker Vice-Chairpersons, the Chairperson informed the Committee that new suggestions for a possible Preamble would be drawn up during the current session of the Conference and submitted to the Committee for its consideration.

70. Since there seemed to be some confusion as to the Committee's decision, if any, on point 3 of the Proposed Conclusions, the Chairperson asked the representative of the Legal Adviser to inform the Committee about the legal aspects of the discussion on this point. The representative of the Legal Adviser informed the Committee that it was her understanding that the Committee had asked the Office to redraft the Proposed Conclusion concerned. She explained that this was not appropriate since it was the Committee's task to modify the text of the Proposed Conclusions. In addition, according to the Standing Orders in case of an apparent deadlock and lack of consensus in the Committee's deliberations the amendment under consideration should be voted upon or a subamendment submitted to modify the amendment.

71. The Government member of the United States stated that obviously the proposals for the Preamble needed further work and he was therefore ready to submit a subamendment to bracket the Proposed Conclusion so that new language could be agreed upon later which should include a reference to the importance of SMEs in relation to the global crisis in employment and take into account the amendment submitted by the Employers' group.

72. The Employer Vice-Chairperson supported this view, emphasizing that the Preamble should in any case contain a reference to the Office's work with respect to SMEs. The Worker Vice-Chairperson suggested that the amendment be put to a vote.

73. The Government member of Egypt believed that it was important for the Proposed Conclusions, including the Preamble, to be acceptable to both Employers and Workers. She was therefore willing to submit a subamendment which would mention the importance of including in the Preamble both references to ILO instruments and to the Office's activities with respect to SMEs.

74. After some further debate and additional clarifications by the representative of the Legal Adviser the Chairperson briefly suspended the sitting to allow for informal consultations. Upon resumption of the sitting the Government member of Canada proposed a subamendment which would incorporate both the text proposed by the Office and that of the amendment submitted by the Employers and submit this combined text to a Working Party of the Committee for consideration and redrafting if necessary. The text agreed upon by the Working Party would then be submitted to the Committee for consideration. The amendment was seconded by the Government member of the United States and supported by the Employer and Worker Vice-Chairpersons.

75. The amendment, as subamended, was then adopted. A Working Party was appointed accordingly.

C. Definition, purpose and scope

Point 4

76. The Employer Vice-Chairperson introduced an amendment to delete detailed references to the criteria for definition of SMEs since such criteria changed over time and would make the instrument less flexible. The Worker Vice-Chairperson indicated his support for the amendment, which was then adopted.

77. The Government member of Canada submitted an amendment to make it possible for Members to agree upon definitions for statistical purposes. The amendment was seconded by the Government member of the United States. It was adopted following statements of support by the Employer and Worker Vice-Chairpersons.

78. The Government member of Kenya submitted an amendment to include references to the informal sector and micro-enterprises. The amendment was supported by the Government members of Côte d'Ivoire and South Africa but opposed by the Employer and Worker Vice-Chairperson. The Government member of Kenya then withdrew the amendment.

79. The Government member of the United States withdrew a further amendment which no longer was applicable.

Point 5

80. The Government member of the United States submitted an amendment proposing to include a reference to enterprise culture. The Government member of Canada seconded the amendment. The Worker Vice-Chairperson opposed the amendment as the notion of enterprise culture was fairly complex and was already dealt with in point 12. The Employer Vice-Chairperson preferred the text as originally proposed. The Government member of the United States then withdrew the amendment.

81. The Government member of Kenya submitted an amendment to include a reference to the informal sector and micro-enterprises. However, in view of the earlier discussion about the informal sector and micro-enterprises, he then withdrew the amendment.

82. The Government member of the United Kingdom submitted an amendment to reflect the possibilities for workers in SMEs to acquire stocks and shares in their companies as this would benefit themselves and the enterprise. The Government member of Ireland seconded the amendment, which also received support from the Employer Vice-Chairperson. The Worker Vice-Chairperson submitted a subamendment to clarify the meaning of the proposed amendment. The Government member of the United States stated that broad-based capital ownership was essential for the success of SMEs, and therefore supported the subamendment. The Employer Vice-Chairpersons indicated that he had no objection, and the amendment, as subamended, was then adopted.

83. The Government member of the United Kingdom submitted an amendment to insert the word "sustainable" in clause (c). The Government member of Ireland seconded the amendment, which also received support from the Worker and Employer Vice-Chairperson. The amendment was then adopted.

84. The Government member of South Africa submitted an amendment proposing to add a clause concerning economic participation of disadvantaged and marginalized groups, since SMEs could play an important role in ensuring poverty alleviation and the integration of marginal groups into mainstream economic activities. The Government member of Kenya seconded the amendment, which also received support from the Worker Vice-Chairperson. The Employer Vice-Chairperson pointed out that clause (b) sufficiently covered all aspects and groups of society. Hence there was no need for a special clause as proposed in the amendment. The Government member of France said that he was surprised by the Employers' position as, in his country, SMEs played an important role in the integration of marginalized groups into the labour market. This applied in particular to the long-term unemployed. The Government member of Botswana recalled that the instrument proposed was a Recommendation which only provided guidance to policy-makers and left enough flexibility. The amendment should therefore be adopted. The Government member of the United States supported the amendment and recalled the contribution that SMEs in the United States made to integrate the inner-city unemployed.

85. The Employer Vice-Chairperson pointed out that clauses (a) to (g) were macroeconomic in nature, referring to aggregates and covering all groups in society. There should not be an exception here. The Government member of South Africa recalled the success stories in South-East Asia where benefits of growth had also trickled down to the poor. A Worker member mentioned the substantial contribution that SMEs in the United States had made to integrate people on the margins of society. The Employer Vice-Chairperson then withdrew his objection and the amendment was adopted.

86. The Government member of the United Kingdom submitted an amendment to delete clause (d). The Government member of Ireland seconded the amendment. The Employer Vice-Chairperson said that SMEs played an important role in increasing the capital stock and domestic savings in almost every country. They played a fundamental role in investment and therefore clause (d) should be maintained. The Worker Vice-Chairperson agreed and said that family businesses were characterized by high rates of reinvestment and retained earnings. The clause was very relevant. The Government member of the United Kingdom then withdrew the amendment.

87. The Government member of Brazil submitted an amendment to insert a reference to the quality of life to which SMEs could contribute. The Government member of Portugal seconded the amendment, which also received support from the Worker Vice-Chairperson. The Employer Vice-Chairperson pointed out that the Office was an organization that dealt with the world of work and that the notion of quality of life was much too extensive. One should not overburden the responsibility of SMEs. The Government member of Portugal said that the link between the quality of work and the quality of life was very close and could not be disassociated. The amendment was subsequently supported by the Government members of Belgium and Italy.

88. The Government member of France felt that the concept of quality of life was too broad in an instrument that dealt with job creation. The Employer Vice-Chairperson recalled the responsibility governments would have if the instrument placed so much emphasis on the concept of the quality of life. He recalled that SMEs contributed indirectly to the quality of life through the generation of income and the creation of jobs. The Worker Vice-Chairperson pointed out that the term "possibility" left enough flexibility for policy-making by governments. The Government member of the United States felt that the amendment went beyond what was reasonably expected from SMEs and he therefore opposed the amendment.

89. The Government member of Brazil explained that his amendment was not binding but more an inspiration. The Employer Vice-Chairperson believed that the reference to the quality of life was far-reaching, difficult to implement, intangible and full of subjective value judgements. As a compromise he submitted a subamendment, qualifying the amendment, which was supported by the Worker Vice-Chairperson. The amendment, as subamended, was then adopted.

90. The Employer Vice-Chairperson submitted an amendment to debate a reference to the responsibility of SMEs for social protection. He recalled that the

Proposed Conclusions were about job creation. While social protection was a fundamental objective, it was doubtful whether SMEs alone could ensure it. The Worker Vice-Chairperson strongly opposed the amendment as society was better served by employment initiatives of SMEs that seek to give jobs to the young and unemployed. The Government member of the United States said that increased employment in SMEs would also raise the resources of the social security system and of the tax base. He therefore wished to maintain the original text.

91. The Government member of Italy pointed out that whatever the size of the enterprise there were always obligatory contributions to social protection systems. The Government member of France said that he had no problem with the text as it was. The Employer Vice-Chairperson then withdrew the amendment.

92. The Employer Vice-Chairperson submitted an amendment which would provide for the insertion of the term "entrepreneurship" in clause (i). The Worker Vice-Chairperson supported the amendment, which was then adopted.

93. The Worker Vice-Chairperson submitted an amendment to move up clause (h). In addition, the amendment reflected more strongly the importance of good working conditions and of the right of workers to freedom of association. He pointed out that this was also in the interests of SMEs. The Employer Vice-Chairperson stated that the notion "improved working conditions" implied adequate consultations and freedom of association. He also felt that since the section dealt generally more with macroeconomic issues the amendment was too specific. In reply a Worker member said that there was no greater macroeconomic issue for workers than the freedom to associate. This needed to be stated explicitly. The Government member of Zimbabwe pointed out that the words "higher level" and "fullest participation" implied that freedom of association existed already. The Worker Vice-Chairperson indicated that the amendment was of crucial importance for the Workers because of the low level of unionization in SMEs. The Employer Vice-Chairperson recalled that the Preamble already mentioned freedom of association. Since the section summarized objectives it was not the place to mention means and instruments to attain these objectives. He furthermore wondered whether it was the role of SMEs to increase unionization. The Worker Vice-Chairperson then submitted a sub-amendment which would replace the word "higher" by "adequate" and the word "fullest" by the word "full". The Employer Vice-Chairperson felt that the proposal would not really help job creation and might even be self-defeating. This was a question of principle because workers' participation was not an end in itself but only a means to job creation. He appealed to the Worker Vice-Chairperson to withdraw the amendment. The Worker Vice-Chairperson emphasized that the rationale for the amendment was to guarantee quality jobs. The Government member of Botswana said that freedom of association and other well-established principles were adequately reflected in the Preamble. They provided the general background for the instrument. He wondered whether the amendment was really appropriate. The Government member of France supported the subamendment submitted by the Worker Vice-Chairperson as an acceptable compromise. The Employer Vice-Chairperson recalled that his group was not against freedom of association and reiterated his support for the text of the Proposed Conclusion. The Government member of Luxembourg proposed to suspend discussion of the amendment until the results of the Working Party constituted earlier would be known. This was supported by the Government members of the United States and Finland, as well as by the Workers' and Employers' Vice-Chairmen and discussion of the amendment was therefore suspended.

Point 6

94. The Employer Vice-Chairperson submitted an amendment proposing to omit any references to specific types of ownership of enterprises. The Worker Vice-Chairperson believed that such references were useful. The Government member of South Africa was concerned about the lack of references to micro-enterprises and submitted a subamendment to include such a reference. The Employer and Worker Vice-Chairpersons expressed their opposition against the subamendment which was then withdrawn. The Government member of Kenya expressed his disappointment at this decision since it did not seem very realistic to omit specific references to micro-enterprises and the informal sector in the Proposed Conclusions.

95. The Government member of the Sudan expressed the view that there seemed to be a contradiction between points 4 and 6 of the Proposed Conclusions. The Government member of the United States preferred to keep the references to types of ownership as originally proposed. After some further debate the Employer Vice-Chairperson withdrew the amendment.

96. The Government member of Kenya withdrew an amendment he had submitted which had become superfluous as a result of an earlier decision of the Committee.

97. The Government member of the United States submitted an amendment to exclude farming enterprises from the Proposed Conclusions because of their unique character. The amendment was seconded by the Government member of Egypt. Following opposition by the Employer and Worker Vice-Chairpersons the amendment was withdrawn.

98. The Government member of Korea submitted an amendment to exclude small-scale subsidiaries of large enterprises from the provisions of the Proposed Conclusions. The Government of Japan seconded the amendment but it was not supported by the Employer and Worker Vice-Chairpersons. The amendment was then withdrawn.

99. The Government member of Brazil withdrew an amendment which was not seconded.

100. The Chairperson announced that after consultations with the Officers of the Committee, the Worker members had withdrawn an amendment submitted earlier, which did not contain an indication of the point under which it should be discussed. With the agreement of the Employer Vice-Chairperson, the Worker members had submitted a new amendment to be considered, later.

101. The Worker Vice-Chairperson then introduced the amendment mentioned by the Chairperson which proposed to add a new point after point 6 concerning the interests of the workers in SMEs. The Employer Vice-Chairperson opposed the amendment on the grounds that the issues listed in the amendment were covered in clause (h) of point 5, that the amendment tended to limit the scope of this clause and that it implied that SMEs were bad employers.

102. The Worker Vice-Chairperson stated that the amendment reinforced clause (h) of point 5 and was neither repetitive nor restrictive. The Government member of Norway expressed the view that since the aim of the proposed instrument was job creation by SMEs and reference was made in other instruments to the issues referred to in the amendment there was no need to adopt the amendment. The Government member of Zimbabwe supported the position of the Government member of Norway. The Government member of Kenya expressed support for the amendment. The Worker Vice-Chairperson stated that because of the differences existing between large enterprises and SMEs, there was a need to underscore the importance of the issues raised in the amendment but in order not to create the impression that some SME practices were negative, the words "low" and "bad" in the amendment should be deleted. The Government member of Canada submitted a subamendment to reflect this. The amendment, as subamended, was then adopted.

D. Policy and legal framework

Point 7

103. The Government member of the United States submitted an amendment to clarify the first lines of the point. The amendment was seconded by the Government of Canada and supported by the Employer and Worker Vice-Chairpersons. The amendment was then adopted.

104. The Employer Vice-Chairperson submitted an amendment to include a reference to market-oriented principles. The Worker Vice-Chairperson opposed the amendment on the grounds that there was no agreement on the definition of market-oriented principles, and in order for qualitative jobs to be created by SMEs, there was a need for protection of not only workers' but also consumers' interests and rights. The Government member of the United States supported the amendment. The Government member of Canada opposed the amendment on the grounds that clauses (a) and (b) were broad enough to incorporate the concerns of the Employer Vice-Chairperson. The Government members of Italy, the Netherlands and the Sudan supported the position of the Government member of Canada. The Employer Vice-Chairperson then withdrew the amendment.

105. The Government member of South Africa submitted an amendment to slightly modify clauses (a) and (b). The Government member of Kenya seconded the amendment. Both the Employer and Worker Vice-Chairmen opposed the amendment. The Government member of South Africa then withdrew the amendment.

106. The Employer Vice-Chairperson submitted an amendment to add the words "and consistent" to the first clause. The rationale for this amendment was that consistency of policies was important both over time and among different policies. The Worker Vice-Chairperson opposed the amendment. After an inconclusive debate a vote was taken and the amendment was rejected with 117,208 votes in favour and 173,880 against, with 2,576 abstentions.

107. The Government member of the United States submitted an amendment to replace in clause (a) the word "pursue" by "adopt" which he felt was stronger.

He also proposed to replace the word "ensure" by "promote" as this was more realistic. The amendment was seconded by the Government member of Canada.

108. The Worker Vice-Chairperson stated that he was not opposed to the first part of the amendment but felt that the second part weakened the text. The Employer Vice-Chairperson proposed a subamendment which would leave the word "pursue" and add the word "adopt". At the same time he felt that the word "ensure" was preferable to the notion "promote". The Government member of the Netherlands who had submitted a similar amendment said that the word "promote" was more realistic, as the notion "ensure" implied that governments could guarantee stability in the macroeconomic environment for SMEs. The Worker Vice-Chairperson accepted the subamendment proposed by the Employers. The Government member of the United States reiterated that the notion "ensure" was unrealistic. The Government member of Côte d'Ivoire wondered what levels of inflation and what interest rate levels could be considered stable. Governments could not guarantee stability; it was only an objective towards which they could work. The Government member of Belgium supported this argument. A member of the Employers' group recalled the problems of employers in developing countries which gave governments a particular responsibility in the provision of support services, access to credit and a favourable regulatory and policy environment.

109. The Worker and Employer Vice-Chairpersons subsequently withdrew their opposition to the amendment which was then adopted.

110. The Worker Vice-Chairperson submitted an amendment to replace in clause (b) the word "appropriate" by the word "effective", the word "zoning" by the word "location", to insert the word "adequate" before "social and labour legislation", and to insert "including labour-only subcontracting" after the words "social and labour legislation". The Employer Vice-Chairperson supported the second and third part of the amendment but not the first and fourth. In particular, he felt that labour-only contracts were sufficiently covered by existing labour legislation. The Worker Vice-Chairperson wondered, if this was so, why the Employers would have a problem with it being specifically mentioned in the text. He therefore insisted that the fourth part of the amendment be maintained.

111. The Government members of Panama and South Africa emphasized that existing labour legislation covered all types of employer/worker contractual relations. The Government member of the Netherlands said that while he felt sympathetic towards the amendment, it was premature to decide at this reading on the integration of the issue of contract labour into the instrument. The Employer Vice-Chairperson said that the issue of contract labour was being discussed at another Committee of the Conference and that duplication should be avoided. The Worker Vice-Chairperson felt that labour-only subcontracting was not adequately covered by social and labour legislation. The Government members of Belgium and Italy argued for postponing the discussion of this particular issue to the following year. The Worker Vice-Chairperson subsequently withdrew the first and fourth part of the amendment, which was then adopted, as subamended.

112. The Employer Vice-Chairperson submitted an amendment to replace in clause (b) the word "or" with "and" and add the words "according to national law and practice" after "legislation". The Worker Vice-Chairperson supported the first part of the amendment but considered the second superfluous. The Government members of Botswana, Panama and the Netherlands also supported the first part of the amendment but not the second. The Employer Vice-Chairperson subsequently withdrew the second part of the amendment which was then adopted, as subamended.

113. The Government member of the United States submitted an amendment to modify clause (b). Since the amendment was not seconded the Government member of the United States withdrew the amendment.

114. The Worker Vice-Chairperson submitted an amendment to consider the effect of structural adjustment policies in employment. The Employer Vice-Chairperson opposed the amendment on the grounds that structural adjustment policies should not be singled out for review since they were part of overall economic policy. Furthermore, review of such policies was provided for under point 9 of the Proposed Conclusions. During a lengthy debate the Government members of Botswana, Côte d'Ivoire, France, the Netherlands, and the Sudan felt that the issue of structural adjustment went beyond the Committee's mandate. The Governments members of France, the Netherlands and Portugal suggested a rewording of the text, taking into consideration point 9 of the Proposed Conclusions. The Government member of Belgium then suggested that the issue be considered under point 9(2). The Worker Vice-Chairperson agreed to this suggestion and then withdrew the amendment.

Point 8

115. The Government member of the Netherlands, on behalf of the Government members of Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, submitted an amendment to change the wording of the opening paragraph to make it more flexible.

116. The Employer Vice-Chairperson supported the amendment while the Worker Vice-Chairperson , although considering the amendment unnecessary, also supported it. The amendment was then adopted.

117. The Employer Vice-Chairperson had submitted a similar amendment. He withdrew it in view of the adoption of the previous amendment.

118. The Government member of the United States proposed two amendments which were not seconded. He then withdrew the amendments.

119. The Employer Vice-Chairperson submitted an amendment to delete a reference to taxation. The Worker Vice-Chairperson opposed the amendment on the grounds that SMEs should not as a general rule benefit from lower rates of taxation since this constituted an inappropriate subsidy. The Employer Vice-Chairperson proposed to refer the amendment to the Drafting Committee to find an appropriate wording to introduce the concept of fair taxation. The Committee accepted the proposal.

120. The Worker Vice-Chairperson submitted an amendment that emphasized the need for measures to protect the rights and working conditions of workers in SMEs. The Employer Vice-Chairperson opposed the amendment on the grounds that the original text was explicit and broad enough, while introducing the word "regulation" might encourage governments to introduce administrative regulations which could inhibit the development and growth of SMEs. After some debate the

Government member of the United Kingdom suggested the use of the word "legislation" instead of "laws" in the text. The Worker Vice-Chairperson stated that if the word "legislation" encompassed "laws and regulations" he was ready to accept the subamendment. The amendment, as subamended, was then adopted.

121. The Government member of Japan, seconded by the Government member of the United States, submitted an amendment to exclude family enterprises from the provisions of clause 1(b). The Employer and Worker Chairmen opposed the amendment, which was then withdrawn.

122. The Government member of South Africa, seconded by the Government member of Zimbabwe, submitted an amendment to add a new clause to compensate SMEs for the relatively higher transaction costs and compliance burden. The Employer Vice-Chairperson opposed the amendment since its administration would be too complicated. It would be better to adopt appropriate policies rather than resort to compensatory measures. The Worker Vice-Chairperson opposed the amendment in view of the contents of clauses 2(a) and 2(g). The amendment was then withdrawn.

123. The Government member of Canada, seconded by the Government member of the Netherlands, submitted an amendment promoting the observance by SMEs of international labour standards related to child labour. In seconding the amendment, the Government member of the Netherlands speaking on behalf of the Government members of Austria, Belgium, Denmark Finland, France, Greece, Ireland, Italy, the Netherlands, Portugal, Spain and the United Kingdom, emphasized that abuse of children in the form of child labour should be abolished. This was an important issue in the context of SMEs. The Government member of the United States supported the amendment and suggested that a reference to child labour could also be incorporated in the Preamble. The Worker Vice-Chairperson supported this suggestion as well as the amendment. After consultations with his group, the Employer Vice-Chairperson also expressed his support for the amendment as well as for the suggestion to include a reference to child labour in the Preamble. The amendment was then adopted.

124. The Employer Vice-Chairperson introduced an amendment to replace the word "address" in paragraph 2 with "remove". The Worker Vice-Chairperson, while accepting the amendment, proposed a subamendment to delete the words "in particular". The Employer Vice-Chairperson accepted the proposed subamendment. The amendment, as subamended, was then adopted.

125. The Government member of the United States withdrew an amendment which was not seconded.

126. The Employer Vice-Chairperson submitted an amendment to delete some words from clause 2(b) which he felt were too negative. The Worker Vice-Chairperson pointed out that the constraints listed in paragraph 2 were all negative and therefore the words concerned should be retained. Accepting this point the Employer Vice-Chairperson then withdrew the proposed amendment.

127. The Government member of the Netherlands submitted an amendment on behalf of the Government members of Belgium, Finland, Luxembourg, the Netherlands and Portugal concerning possible disincentives for SMEs to hire personnel, in particular their first employee. The Worker Vice-Chairperson felt that the contents of the amendment was already covered elsewhere. He objected especially to the part referring to "first employee". The Employer Vice-Chairperson proposed a subamendment deleting a reference to financial risk and to the hiring of a first employee. The Government member of the United States submitted a subamendment to incorporate part of the amendment in clause 2(g). The amendment, as subamended, was then adopted.

128. The Government member of the United States, seconded by the Government member of South Africa, submitted an amendment to replace in clause 3 the word "upgrading" by the word "assisting". The Worker Vice-Chairperson proposed a subamendment to add the word "assisting" while retaining the word "upgrading". The Government member of the United States had no objection to the subamendment, which was also supported by the Employer Vice-Chairperson . The amendment, as subamended, was then adopted.

Point 9

129. The Chairperson proposed to deal at the same time with two practically synonymous amendments, one submitted by the Employer Vice-Chairperson, the other by the Government members of Belgium, Denmark, Finland, France, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom, providing for the insertion of "as appropriate" at the end of the first line. The Worker and Employer Vice-Chairpersons supported the amendments which were then adopted.

130. The Worker Vice-Chairperson introduced an amendment to delete a reference to the administrative burden on SMEs connected with surveys and data collection, since it was already adequately covered elsewhere. The Employer Vice-Chairperson preferred the original text and expressed opposition to the amendment as it ignored the special situation and needs of SMEs. The Government members of Belgium, France, Norway, the United States and the United Kingdom also preferred the original text. The Worker Vice-Chairperson then withdrew the amendment.

131. The Employer Vice-Chairperson withdrew an amendment he had submitted since it had become superfluous.

132. The Worker Vice-Chairperson subamended an amendment his group had submitted to include a reference to the impact of structural adjustment programmes on job creation in SMEs. The Employer Vice-Chairperson accepted the subamendment, which was then adopted.

133. The Worker Vice-Chairperson introduced an amendment to substantially modify paragraph 3. The Employer Vice-Chairperson preferred the original text, which reflected better the particular situation of SMEs and allowed more flexibility. The amendment introduced an undue measure of uncertainty and lack of clarity. He therefore opposed the amendment. The Government member of the Netherlands pointed out that the original text already provided for tripartite consultations and there was thus no need for the amendment. This view was supported by the Government members of Belgium, Botswana, Italy and Senegal. The Worker Vice-Chairperson then submitted a subamendment to only delete a part of the paragraph to avoid a situation where it could be interpreted to lead to the dismantling of social and labour legislation. A Worker member referred to the special situation of SMEs in Italy where unionization was very low. The Worker

Vice-Chairperson then proposed another subamendment. The Employer Vice-Chairperson still felt that the existing text was sufficiently clear and adequate. The Government members of Canada, Norway and the United States also preferred the original text, while the Government member of France supported the subamendment. The Worker Vice-Chairperson, in a spirit of compromise, then submitted another subamendment proposing the insertion of a reference to the improvement of the conditions of workers in SMEs. The Employer Vice-Chairperson suggested a slight modification which was accepted by the Worker Vice-Chairperson . The amendment, as subamended, was then adopted.

134. The Worker Vice-Chairperson submitted an amendment to replace clause 3(b) with a new text which elaborated in more detail the need for social protection and participation in social security schemes of workers in SMEs. The Employer Vice-Chairperson believed that the existing text was clear enough and had reservations concerning the amendment since it was too rigid. The Government member of Senegal expressed the view that the Proposed Conclusions should remain flexible and that the Workers' amendment was too detailed. The Government member of the Netherlands then proposed a subamendment to adopt only the first three lines of the amendment. Suggesting a slight modification, the Worker Vice-Chairperson supported the subamendment, proposing that it be included as a new paragraph 4.

135. The Employer Vice-Chairperson then suggested to delete a reference to threshold requirements. This was accepted by the Worker Vice-Chairperson . The amendment, as subamended, was then adopted.

Point 10

136. The Employer Vice-Chairperson introduced an amendment proposing to delete paragraph 1. The Worker Vice-Chairperson supported the proposed amendment. During a drawn-out debate, the Government members of Belgium, Botswana, Cuba, Italy, the Netherlands, the United States and South Africa objected to the proposed amendment since Members should be free to consult any organization they felt it was necessary and useful to consult. As a compromise, the Employer Vice-Chairperson submitted a subamendment to retain part of the paragraph in a modified form. The amendment, as subamended, was then adopted.

137. The Chairperson informed the Committee that two amendments concerning paragraph 1 had been withdrawn since they were no longer relevant. The Worker Vice-Chairperson introduced an amendment to underscore the importance of gender equality. The Employer Vice-Chairperson supported the amendment. The Government member of Italy suggested that the French version be reworded by the Drafting Committee. The amendment was then adopted.

138. The Worker Vice-Chairperson submitted an amendment to delete paragraph 3 since its retention would lead to unnecessary changes, instability and additional expenditure. The Employer Vice-Chairperson felt that the paragraph followed naturally from the previous ones and that policy reviews usually resulted in improvements. The Government member of the Côte d'Ivoire also opposed the amendment. The Worker Vice-Chairperson, the Government member of the United States and the Employer Vice-Chairperson proposed subamendments to reflect the need for a consultation mechanism. After a lengthy debate during which the

Government members of Algeria, Côte d'Ivoire, the Netherlands and South Africa expressed support for the last subamendment, the amendment, as subamended, was then adopted.

139. The Employer Vice-Chairperson introduced an amendment to underscore the importance of SME growth and job creation. The Worker Vice-Chairperson was not opposed to the amendment but submitted a subamendment concerning the social protection of workers. The Employer Vice-Chairperson felt that the subamendment was unnecessary. The Government members of Botswana, the Netherlands, Senegal and South Africa opposed the amendment since they considered it repetitive. The amendment and subamendment were then withdrawn.

140. The Government member of Canada withdrew a similar amendment.

Point 11

141. While introducing an amendment submitted by his group, the Worker Vice-Chairperson submitted a subamendment to delete the point instead of modifying it. The Government members of Belgium, Botswana, Canada, the Côte d'Ivoire, France, South Africa and the United Kingdom supported the proposed deletion since it added no real value to the Proposed Conclusions and the issue of decentralization should be left to individual Members. The Government members of Italy, Senegal and the United States were in favour of modifying the original text to provide flexibility. The Employer Vice-Chairperson stated that, in light of the debate and the issues raised, he was not opposed to deletion. The amendment, as subamended, was then adopted.

142. Two other amendments were then withdrawn since they were no longer relevant.

E. Development of an enterprise culture

Point 12

143. The Worker Vice-Chairperson subamended an amendment submitted by his group deleting three paragraphs from the amendment since the issues in these paragraphs were considered elsewhere, especially in the Preamble. He underscored the importance of improving the terms and conditions of employment for workers in SMEs and suggested that this should guide the Office in its technical cooperation activities for SME development.

144. The Employer Vice-Chairperson opposed discussion of the amendment on the grounds that it was similar to an amendment withdrawn earlier on the basis of a gentleman's agreement between the Officers of the Committee. He felt that its resubmission by the Workers' group at this stage constituted a breach of the agreement and created a climate not conducive to tripartite negotiations. Under the circumstances, the Employer Vice-Chairperson requested that a representative of the Legal Adviser clarify the situation.

145. The representative of the Legal Adviser advised the Committee that in accordance with article 63 of the Standing Orders an amendment withdrawn earlier could be resubmitted later under another point. She could, of course, not make a pronouncement on the implications of any mutual or gentleman's agreement between Officers of the Committee since this was a matter strictly for the Committee to deal with.

146. The Worker Vice-Chairperson recalled that during the debate on an earlier amendment submitted by his group he had reserved the right to return to the matter now under discussion. The Employer Vice-Chairperson expressed the view that the discussion reflected a lack of trust since it was not a matter of legal rights and he was afraid the matter would be brought up again later on. He then asked for a record of the proceedings of the earlier discussion to be produced in order to clarify the situation so that nobody would be falsely blamed. He further requested that the current discussion be reflected in the record of proceedings. The Committee then briefly adjourned to allow for consultations, following which the Chairperson confirmed that the Officers of the Committee would be provided with a copy of the relevant parts of the record of proceedings.

147. The Worker Vice-Chairperson stated that his group had acted in good faith. In a spirit of cooperation he withdrew the amendment, while indicating that his group would return to the matter during the discussion of another amendment already submitted for discussion under point 16. The Employer Vice-Chairperson reminded the Committee that the subject under discussion was job creation. This concern should not be diluted by extraneous considerations.

148. The Worker Vice-Chairperson introduced an amendment to add the word "ethical" in the title of section E. This would reflect the role and obligation of enterprises to meet certain minimum social standards. The Employer Vice-Chairperson stated that there were so many amendments proposed by the Workers' group under this point that they risked deforming the original intention of the Proposed Conclusions. This point was, after all, about enterprise culture and there was no place for the insertion of notions such as "ethical" and "democratic", particularly since there was already a reference to equitable practices. Also, it was not really clear what was meant by ethical. The Government member of Zimbabwe opposed the amendment since it would create confusion. The Government member of the United States said that small business development was linked to so many basic values which were not specifically mentioned in the Proposed Conclusions such as, for example, the fight against corruption and bribery, that the insertion of "ethical" did not make much sense. The Worker Vice-Chairperson pointed out that ethics, social justice and democracy at the workplace were at the core of the Organization's mandate. Hence, a reference to these notions could not possibly dilute the concerns about job creation. The Government member of Botswana made a plea to avoid a debate about ethics. The Government member of Norway supported this. She did not wish to overload the point, but suggested the possible insertion in the text of a reference to an ethical basis. The Government member of the Netherlands felt that there were too many amendments to the point. A Worker member explained that in enterprises the employers' interests and advantages often prevailed over mutual respect and the protection of those in need of support. The Government member of the Sudan said that while he understood the concern of the Workers he felt that there was no need for the amendment. The Government member of Guinea stated that the original text already took into account the concerns of the workers about consultations and that the reference to "ethical" was not necessary. The Worker Vice-Chairperson then withdrew the amendment but suggested the insertion of the word "ethical" in the first paragraph of the text. The

Employer Vice-Chairperson rejected this. The Government member of the Netherlands said that the other amendments submitted by the Workers' group already covered the ground and that there was no need for this subamendment. The Worker Vice-Chairperson then withdrew this and another amendment.

149. The Worker Vice-Chairperson introduced an amendment to include a reference to "full involvement of all social partners". The Employer Vice-Chairperson reiterated that the amendments submitted by the Workers' group destroyed the spirit of the Proposed Conclusions and suggested they should be considered simultaneously. The Worker Vice-Chairperson, requesting protection from the Chair, strongly protested against the implications and the language used by the Employer Vice-Chairperson as it was his group's prerogative to suggest improvements to the Proposed Conclusions. The Employer Vice-Chairperson then accepted to consider the amendments one by one. He said that the reference to full involvement constituted a straight-jacket and suggested a subamendment qualifying the amendment. The Worker Vice-Chairperson accepted this subamendment. The amendment, as subamended, was then adopted.

150. The Worker Vice-Chairperson introduced an amendment to insert a reference to collective and family-based initiatives. The Employer Vice-Chairperson said that this addition was redundant. The Government member of Canada submitted a subamendment to replace "collective" by "cooperative". The Worker Vice-Chairperson accepted this subamendment while the Employer Vice-Chairperson proposed a subamendment to delete the word "individual" in the original text. The Worker Vice-Chairperson preferred this latter subamendment. The amendment, as subamended, was then adopted.

151. The Worker Vice-Chairperson introduced an amendment to include a reference to productive employment and social responsibility. The Employer Vice-Chairperson said that the Proposed Conclusions already dealt sufficiently with matters such as productivity, quality and social practices. He therefore preferred the original text. The Worker Vice-Chairperson pointed out that productivity was not the same as productive employment. The Government member of Botswana felt that the amendment was redundant. This was supported by the Government member of the Côte d'Ivoire. The Government member of Senegal wondered what was meant by "social responsibility". The Worker Vice-Chairperson responded that it referred to the responsibility an enterprise had towards the community where it was located. The Government member of Senegal said that with this explanation he could support the amendment. In spite of this support, the Worker Vice-Chairperson then withdrew the amendment.

152. The Worker Vice-Chairperson introduced an amendment to include a reference to environmental sustainability since this was a serious problem in developing countries. The Employer Vice-Chairperson pointed out that environmental sustainability was mainly the concern of government agencies and was external to enterprise culture. The Government members of Belgium, the Côte d'Ivoire, Ireland and Zimbabwe opposed the amendment, while those of Botswana, France, Senegal and the United Kingdom expressed qualified support.

153. The Employer Vice-Chairperson submitted a subamendment to insert a reference to the promotion of environmental consciousness. This subamendment was supported by the Worker Vice-Chairperson. The amendment, as subamended, was then adopted.

154. The Government member of Ireland observed that the Proposed Conclusions did not mention more obvious characteristics of enterprise culture, such as wealth creation, profits, independence, competition, market orientation, innovation and the application of new technologies. The Government member of the United States supported this observation. He suggested that the whole section was in need of reformulation and should reflect the points raised by the Government member of Ireland. This could be done during the Committee meeting the following year.

155. The Worker Vice-Chairperson introduced an amendment referring to good management. The amendment was not supported by the Employer Vice-Chairperson. The Worker Vice-Chairperson then withdrew the amendment since he felt that there was an apparent misunderstanding.

156. The Worker Vice-Chairperson introduced an amendment to insert the word "adequate". The amendment received the support of the Employer Vice-Chairperson and was then adopted.

157. The Worker Vice-Chairperson introduced an amendment to include a reference to workers' rights since respect for workers' rights was essential for good labour relations. The Employer Vice-Chairperson said that the notion of good labour relations already implied respect for workers' rights. He therefore considered the amendment redundant. The Worker Vice-Chairperson then proposed a subamendment to instead add a reference to industrial relations. The Employer Vice-Chairperson accepted this. The amendment, as subamended, was then adopted.

158. The Worker Vice-Chairperson withdrew an amendment submitted by his group concerning the role of employers' and workers' organizations.

159. The Employer Vice-Chairperson withdrew an amendment submitted by his group to insert a qualifying clause since he preferred a similar one submitted by the Government members of Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom. The Worker Vice-Chairperson also accepted the amendment, which was then adopted.

160. The Worker Vice-Chairperson introduced an amendment intended to improve the formulation of the original text. The Employer Vice-Chairperson preferred the original text. He then submitted a subamendment combining part of the original text and the amendment. This was accepted by the Worker Vice-Chairperson. The amendment, as subamended, was then adopted.

161. The Government member of the Netherlands introduced an amendment submitted by the Government members of Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom to introduce the notion of life-long learning which was nowadays essential for employability. A subamendment to cover both workers and employers was agreed upon between the Employer and Worker Vice-Chairmen. The amendment, as subamended, was then adopted.

162. The Worker Vice-Chairperson withdrew an amendment concerning workers' rights.

163. The Employer Vice-Chairperson introduced an amendment to include a reference to multi-skilling which was necessary in SMEs. The Worker Vice-Chairperson supported the amendment, which was then adopted.

164. The Government member of Canada submitted an amendment to replace the term "labour relations" by "employer-employee relations" since in many SMEs unions were not present and he was uncertain whether the term "labour relations" covered such cases. Although the amendment was seconded by the Government member of the United States, the Government member of Canada withdrew the amendment immediately after his statement in order to accelerate the discussion.

165. The Employer Vice-Chairperson introduced an amendment to clarify the wording of the text. The Worker Vice-Chairperson was willing to accept the first part of the amendment but objected to the second part since it left out some important concepts. The Government member of the Netherlands felt that the word "promote" should not be deleted since awareness campaigns automatically involved promotion. The Government member of Belgium felt that the amendment simplified the text. The Government member of the United States submitted a subamendment to introduce the notion of "rule of law". After some debate as to whether the notion of "socially beneficial" should be retained, the Worker Vice-Chairperson agreed to a rewording of the amendment. The amendment, as subamended, was then adopted.

166. In view of the adoption of the previous amendment, three other amendments concerning the same paragraph, submitted by the Government member of the United States and the Worker members, were withdrawn.

167. The Government member of South Africa submitted an amendment to replace clause (2)(d) with a new text referring to disadvantaged groups in society. The Government member of Canada seconded the amendment. The Government member of South Africa introduced a subamendment to also add a reference to women. The Worker Vice-Chairperson supported the amendment and the subamendment. The Employer Vice-Chairperson preferred to maintain the reference to "both men and women". The Government member of South Africa expressed the view that this would defeat the purpose of the amendment. The Government member of Botswana agreed with the subamendment submitted by the Employer Vice-Chairperson since role models were needed in all sectors of society. After some further discussion, the amendment, as subamended, was then adopted.

168. The Worker Vice-Chairperson introduced an amendment to add a new clause on social and economic justice since this basic question needed to be integrated into the campaigns for the promotion of enterprise culture. The Employer Vice-Chairperson found it difficult to accept the amendment on the grounds that social and economic justice were covered extensively elsewhere. There was therefore no need to repeat it here. The Government member of Zimbabwe agreed with the Employer Vice-Chairperson. The Worker Vice-Chairperson then withdrew the amendment.

169. The Worker Vice-Chairperson in introducing an amendment proposed a subamendment to delete a reference to the rule of law, as this was already covered elsewhere. The issues raised in the proposed amendment were vital elements of enterprise culture in all societies. Human rights and workers' rights needed to be promoted by enterprises since these were as important as productivity improvement and improved working conditions. The Employer Vice-Chairperson stated that human rights was a concern of all governments and this was therefore not the right place for it. A reference to fundamental workers' rights had already been placed in the Preamble which also contained references to the core instruments. He therefore opposed the amendment. The Government members of Botswana, France, the Netherlands and Norway felt that the reference in the Preamble was sufficient. The Worker Vice-Chairperson then proposed a subamendment to include the reference elsewhere. The Employer Vice-Chairperson agreed to this. The amendment, as subamended, was then adopted.

F. Development of an effective SME service infrastructure

Point 13

170. The Government member of the United States submitted an amendment, which was seconded by the Government member of Canada, to emphasize that the services mentioned could also be provided by the private sector including by SMEs and private consultants. The Employer Vice-Chairperson expressed support for the amendment. The Worker Vice-Chairperson proposed a subamendment to insert the words "direct and indirect". The amendment, as subamended, was then adopted. Four other similar amendments were then withdrawn.

171. The Government member of the United States, submitted an amendment to include a reference to capital markets, since these could provide additional support for SME growth and development. The amendment was seconded by Belgium. The Employer and Worker Vice-Chairmen supported the amendment. The amendment was then adopted.

172. The Employer Vice-Chairperson introduced an amendment to include a reference to marketing research. The Worker Vice-Chairperson supported the amendment. The Government member of Norway suggested that the Drafting Committee should find a more appropriate way to describe marketing research and marketing assistance. The amendment was then adopted.

173. The Government member of Brazil, seconded by the Government member of South Africa submitted an amendment to delete clause (f). The Employer Vice-Chairperson explained how important packaging was for SMEs and that the clause should therefore be retained. The Worker Vice-Chairperson supported the Employer Vice-Chairperson. The amendment was then withdrawn.

174. The Government member of Brazil, seconded by the Government member of South Africa, submitted an amendment to underscore the importance of product presentation. The Employer and Worker Vice-Chairpersons supported the amendment. The amendment was then adopted.

175. The Government member of Brazil, seconded by the Government member of Portugal, submitted an amendment which stressed the importance of continued assistance to SMEs in order to develop and grow. The Worker and Employer Vice-Chairpersons supported the amendment. The amendment was then adopted.

176. The Government member of Canada, seconded by the Government member of the United States, submitted an amendment to underscore the importance of providing information on internal and international trade opportunities to SMEs. The Employer Vice-Chairperson supported the amendment. The Worker Vice-Chairperson also supported the amendment, while drawing the attention of the Committee to the fact that SMEs in developing countries sometimes faced unfair competition from subsidiaries of multinational enterprises. This might be a useful subject for discussion at the meeting of the Committee during the next Conference. The amendment was then adopted.

177. The Worker Vice-Chairperson introduced an amendment to redraft a clause emphasizing the importance of innovation in SMEs to increase productivity and to benefit workers. The Employer Vice-Chairperson was in favour of support for innovation and modernization in SMEs but suggested that part of the amendment be deleted since it had already been dealt with elsewhere. The amendment, as subamended, was adopted.

178. The Worker Vice-Chairperson introduced an amendment to include new clauses on workers' rights, labour legislation, gender equality, occupational health and safety, social protection issues and education and training. The Employer Vice-Chairperson proposed a subamendment which would retain the basic idea behind the amendment and make it more consistent with other parts of the Proposed Conclusions. The Worker Vice-Chairperson suggested that the reference to "workers' rights" should be maintained since it was fundamental to the quality of employment. The Government members of Botswana, the Netherlands, Norway and Zimbabwe agreed with the Worker Vice-Chairperson. The Employer Vice-Chairperson submitted a revised subamendment to reflect this. The amendment, as subamended, was adopted. The Government member of Canada withdrew a similar amendment.

Point 14

179. The Employer Vice-Chairperson introduced an amendment to emphasize that Governments should act as a facilitating agent. The Government members of France and the United States felt that the first part of the amendment was superfluous and inconsistent with previous points. The Worker Vice-Chairperson also opposed the first part of the amendment on the grounds that it added nothing to the text and was therefore unnecessary. The amendment was subamended accordingly and adopted. A similar amendment was then withdrawn.

180. The Worker Vice-Chairperson introduced an amendment to include a reference to the involvement of workers' and employers' organizations in consultation mechanisms. The Employer Vice-Chairperson supported the amendment. The amendment was then adopted.

181. The Employer Vice-Chairperson introduced an amendment to delete reference to specific examples of institutions providing services to SMEs on the grounds that it was impossible to have an exhaustive list given the variations among countries. The Worker Vice-Chairperson proposed a subamendment to combine this and two related amendments, retaining references to specific institutions and introducing a reference to the role of the public sector. The Government member of the United States welcomed the addition of SMEs to the list of examples and supported the subamendment. After some debate a subamendment to delete a reference to "trade associations" and include a reference to "employers' and workers' organizations" was supported by the Employers and Workers Vice-Chairpersons. The amendment, as subamended, was then adopted.

182. The Government member of the Netherlands introduced an amendment, on behalf of Austria, Belgium, Denmark, Finland, France, Greece, Ireland, Italy, the Netherlands, Portugal, Spain and the United Kingdom, to recognize that SMEs at different stages of development, of different sizes and in different sectors, required different services. The Employer and the Worker Vice-Chairpersons supported the amendment, which was then adopted.

183. The Government member of the United States, seconded by Canada, submitted an amendment to bring out more clearly the potential role of SMEs in the provision of services. The Employer Vice-Chairperson supported the amendment. The Worker Vice-Chairperson submitted a subamendment to combine the original text with the amendment. The Government member of the United States did not agree to the subamendment. The Worker Vice-Chairperson accepted the proposed amendment after further explanations on the rationale of the amendment by the Government member of the United States. The amendment was then adopted.

Point 15

184. The Worker Vice-Chairperson introduced an amendment to delete a qualifying clause since he felt that a conditional phrase would defeat the purpose of the whole paragraph. The Employer Vice-Chairperson objected to the amendment since it would change the meaning of the paragraph. Anticipating the next amendment he indicated that he would be prepared to accept the amendment if the Worker Vice-Chairperson would withdraw the next amendment. The Worker Vice-Chairperson agreed to this. The amendment was then adopted.

185. The next amendment was withdrawn by the Worker Vice-Chairperson as agreed earlier.

186. The Government member of Canada submitted an amendment, which was seconded by the Government member of the United States, to add a reference to competitiveness in domestic and global markets since SMEs had to be competitive domestically and globally if they were to contribute to job creation. The amendment received support from the Employer Vice-Chairperson. The Government members of Botswana, France, the Netherlands, Norway, Senegal and the United Kingdom supported the amendment. The Worker Vice-Chairperson, although initially opposed to the amendment, accepted the amendment as proposed on the basis of the arguments presented in the discussion. The amendment was then adopted.

187. The Government member of Canada submitted an amendment, which was seconded by the Government member of the United States, to make the text more precise. The Worker Vice-Chairperson objected to the amendment in view of an earlier agreement concerning the text of this point. The Employer Vice-Chairperson accepted the position of the Worker Vice-Chairperson. The Government member of Canada then withdrew the amendment.

Point 16

188. The Government member of Canada, seconded by the Government member of the United States, submitted an amendment to replace the words "adopt measures to ensure" with the word "facilitate". He said that the amendment would improve the text and make it clear that Governments cannot ensure access by SMEs to finance and credit. The Government members of Belgium, Botswana, Côte d'Ivoire, and the United States supported the amendment. The Government member of the Netherlands preferred the text of amendments on the same point to be considered later. The Employer and Worker Vice-Chairpersons supported the amendment. The amendment was then adopted. In view of this adoption the next three amendments were withdrawn.

189. The Employer Vice-Chairperson introduced an amendment to simplify the text. The Worker Vice-Chairperson accepted the amendment provided the word "supplementary" was retained from the original text. The Employer Vice-Chairperson accepted this. The amendment, as subamended, was then adopted.

190. The next amendment was withdrawn by the Government member of the United States.

191. The Government member of the United States submitted an amendment, which was seconded by the Government member of Botswana, to improve the wording and delete references to examples, since they were not particularly illustrative. The Employer Vice-Chairperson supported the amendment. The Government member of South Africa opposed the amendment since he felt that the examples cited were relevant, particularly in the context of the situation in his country. The Worker Vice-Chairperson also opposed the amendment. The Government member of the United States then withdrew the amendment.

192. The Employer Vice-Chairperson objected to the discussion of the next amendment since it was not in line with the gentleman's agreement that he thought had been concluded. At any rate, the contents of the amendment had already been dealt with earlier. The Chairperson recalled the earlier declaration by the representative of the Legal Adviser according to which it was possible to reintroduce an amendment with the same wording at a later stage of the discussion. Following informal consultations among the Officers of the Committee, the Worker Vice-Chairperson indicated that he was ready to withdraw the amendment and proposed a subamendment to point 17, which referred to policies to improve the terms and conditions of employment in SMEs. The Employer Vice-Chairperson emphasized that the best way to solve problems was by way of consultation and negotiation. He expressed thanks for the understanding and goodwill of the Worker Vice-Chairperson. He had no objection to the proposed subamendment. The amendment, as subamended, was then adopted.

Point 17

193. The Chairperson proposed to deal as one with two synonymous amendments concerning the role of Governments, one submitted by the Government member of the United States and another by the Worker Vice-Chairperson. The Employer Vice-Chairperson accepted the amendment, which was then adopted.

194. The Worker Vice-Chairperson introduced an amendment to merge the first two paragraphs. The Employer Vice-Chairperson preferred to delete the first paragraph since the text in question seemed to advocate an involvement of Governments in the establishment of SME organizations. He felt that this should be left to employer and SME associations. The Government members of the Netherlands and South Africa were confused by the discussion and therefore preferred to keep the text as it was. This was supported by the Government member of Belgium. The Government member of Côte d'Ivoire asked the Employers to reconsider. The Worker and Employer Vice-Chairpersons then reached agreement on a subamendment, which the Government member of South Africa strongly objected to. He said that governments needed operational mechanisms for the delivery of services. Employers' and workers' organizations could not adequately provide all the services required by SMEs. The Government member of the United States supported the compromise, but pointed out that its adoption would put the responsibility for support services entirely on the shoulders of the private sector. He therefore proposed to discuss an amendment he had submitted for later discussion which explicitly recognized the role of government agencies to enhance small business growth, such as the Small Business Administration in his country. The Government member of Canada then suggested an alternative subamendment which was supported by the Government member of the United States. The Employer Vice-Chairperson also expressed support for the subamendment but wished to retain a reference to consultation with and involvement of employers' and workers' organizations. The Worker Vice-Chairperson accepted this. The amendment, as subamended, was then adopted. This adoption made the following four amendments superfluous and they were consequently withdrawn.

195. The Employer Vice-Chairperson reintroduced an amendment to delete part of the third paragraph since it was not relevant. The Worker Vice-Chairperson preferred the text in its original form as it reflected better the particular situation of SMEs in subcontracting arrangements. The Government member of the United States proposed to add a reference to "national law and practice". The Worker Vice-Chairperson proposed another subamendment, which was not accepted by the Employer Vice-Chairperson, who proposed yet another formulation. The Government member of the United States reiterated his proposal to add a reference to "national law and practice". The Employer Vice-Chairperson then proposed another subamendment simplifying the paragraph further. This was accepted by the Worker Vice-Chairperson and the amendment, as subamended, was adopted.

196. The Government member of the Netherlands introduced an amendment, submitted by the Government members of Austria, Finland, France, Greece, Ireland, Italy, the Netherlands, Portugal, Spain and the United Kingdom to reflect the cooperative character of linkages between large firms and SMEs. The amendment was supported by the Worker Vice-Chairperson, but opposed by the Employer Vice-Chairperson, who proposed instead the less ambiguous term "mutually beneficial". After noting that the term "cooperative" was used here as an adjective rather than a noun, he decided to support the amendment, which was then adopted. The Government member of France noted that care should be taken in the translation into French, to avoid any ambiguity.

197. The Worker Vice-Chairperson introduced an amendment to underscore the importance of workers' organizations. The Employer Vice-Chairperson raised no objection to the amendment, which was then adopted.

198. The Employer Vice-Chairperson introduced an amendment to delete a qualification to make the text consistent with other parts of the Proposed Conclusions. He also noted the importance of preventing discrimination. The Worker Vice-Chairperson expressed a preference for the original text. Since the point referred to promotional activities, in addition to measures to combat discrimination, the amendment was not appropriate. Following expressions of support by the Government members of France and South Africa for the position of the Worker Vice-Chairperson, the Employer Vice-Chairperson proposed a subamendment to replace the word "special" with the word "specific". The Government member of Italy supported the subamendment. The Government member of the Netherlands wondered whether the words "to prevent discrimination" were still included. The Employer Vice-Chairperson then proposed a further subamendment to delete the reference. The amendment, as subamended, was then adopted.

199. The Government member of South Africa submitted an amendment, which was seconded by the Government member of Zimbabwe, to refer to persons affected by restrictive and discriminatory practices "of previous dispensations". The Worker Vice-Chairperson expressed the view that the amendment was only relevant to a few countries, and therefore he proposed, as a subamendment, to delete the reference to "previous dispensations". After some clarification and expressions of support by the Employer and Worker Vice-Chairpersons and a number of Government members, the amendment, as subamended, was then adopted.

200. The Worker Vice-Chairperson noted, in introducing this amendment, that it corresponded closely with an amendment submitted by the Government member of Italy. The Employer Vice-Chairperson raised no objection. The amendment was then adopted. In view of this, the Government member of Italy withdrew her amendment, but proposed a subamendment "to support the development of women entrepreneurs, and the growing role of women, in the economy, who seek to become entrepreneurs, or who already are". The Government member of Canada proposed a further subamendment. The Government member of Belgium expressed the view that a more specific text was needed, to cover the needs of women, and did not support the subamendment. Returning to the subamendment proposed by the Government member of Italy, the Government member of France gave his support. However, the Government members of Botswana and the United States questioned the procedure being adopted, and the Government members of Belgium and the Netherlands therefore proposed to submit the subamendment under the next amendment.

201. The Government member of the Netherlands introduced an amendment submitted by the Government members of Austria, Finland, France, Greece, Ireland, Italy, the Netherlands, Portugal, Spain and the United Kingdom. He noted the importance of good communication between Government agencies and SMEs, particularly when the latter were lacking specialized support staff. The Government member of Italy then resubmitted the earlier subamendment. The Government member of the Netherlands stated that the 13 EU Government members of the

Committee supported the subamendment, which they had originally hoped to submit as an amendment. The Worker Vice-Chairperson, in the light of this explanation, supported the amendment, as subamended; the Employer Vice-Chairperson also gave his support, but drew the attention of the Drafting Committee to the need to ensure that all of the references to women in the point were still coherent. The amendment, as subamended, was then adopted.

G. Roles of the employers' and workers' organizations

Point 18

202. The Employer Vice-Chairperson introduced an amendment which made the paragraph more flexible and would allow for the possibility that employers' and workers' organizations work together. The Worker Vice-Chairperson opposed the first part of the amendment, supported the second part and opposed the third part. The Government member of Italy agreed that the words "where appropriate" weakened the text, but the Government member of Botswana considered them a useful addition. He also supported the inclusion of "/or". The Employer Vice-Chairperson then withdrew the third part of the amendment. The Worker Vice-Chairperson continued to oppose the first part. The Government member of the Netherlands supported this point of view. The Employer Vice-Chairperson considered it imperative to retain the first part, noting that the questionnaires sent out by the Office in preparation for this Committee had foreseen separate points for employers' and workers' organizations. In the Proposed Conclusions the two had been combined. Some flexibility was therefore needed to take account of their different roles. After some further debate, the Employer Vice-Chairperson withdrew the first part of the amendment. The amendment, as subamended, was then adopted.

203. The Government member of Canada withdrew the next amendment since it was similar to the one adopted.

204. The Employer Vice-Chairperson noted, in introducing an amendment, that employers' organizations did not necessarily want to be involved in the actual running of SME-oriented institutions. The Worker Vice-Chairperson had no objection to this amendment, which was then adopted.

205. The Employer Vice-Chairperson, while introducing an amendment, asked for clarification of the original text. A representative of the secretariat clarified the meaning, giving as an example the needs of people who had been made redundant. The Employer Vice-Chairperson then withdrew the amendment.

206. The Employer Vice-Chairperson introduced an amendment to improve the wording of the paragraph. The Worker Vice-Chairperson submitted a subamendment to combine the original text and the amendment. This was supported by the Employer Vice-Chairperson. The amendment, as subamended, was then adopted.

207. The Worker Vice-Chairperson introduced an amendment to introduce a reference to social protection and vocational training. The Employer Vice-Chairperson supported the amendment, which was then adopted.

208. The Employer Vice-Chairperson introduced an amendment to replace the word "campaigns" with the word "activities". The Worker Vice-Chairperson supported the amendment, which was then adopted.

209. The Government member of Uganda submitted an amendment, which was seconded, to include a reference to gender disaggregation since it was important to make participation problems more transparent. The Worker Vice-Chairperson supported the amendment and withdrew a similar one. The Employer Vice-Chairperson supported the amendment. The amendment was then adopted.

210. The Worker Vice-Chairperson introduced an amendment to add a reference to workers. The Employer Vice-Chairperson supported the amendment, which was then adopted.

211. The Employer Vice-Chairperson, introducing an amendment, proposed to bring forward an amendment to the next point and include a reference to social protection in this point. The Worker Vice-Chairperson supported this, submitting a subamendment to also include a reference to workers' rights and labour legislation. The Employer Vice-Chairperson supported this. The amendment, as subamended, was then adopted. As a result of this decision, four other amendments were withdrawn since the point to which they referred had been deleted.

Point 20

212. The Employer Vice-Chairperson introduced an amendment to emphasize the principle of voluntary representation. He proposed to move the whole paragraph to the previous point. The Worker Vice-Chairperson preferred the original text. The Employer Vice-Chairperson felt that a reference reflecting the voluntary aspect of representation was necessary. A Worker member noted that in her country (Canada) the difference between membership, which was voluntary, and representation, which was not always voluntary, was an important issue. The Government members of South Africa and the Netherlands supported the existing text. An Employer member noted that union membership in SMEs in his country (Canada) was low since studies had shown that some workers were happier working in non-unionized workplaces.

213. The Worker Vice-Chairperson reiterated that there was a difference between membership and representation and proposed a subamendment to reflect this. The Government member of South Africa noted that in his country both SME employers and workers went largely unrepresented. This constituted a problem for the proper functioning of the labour market. After some further debate agreement was reached on a subamendment submitted by the Worker Vice-Chairperson to include a reference to respect for freedom of association. This was supported by the Employer Vice-Chairperson and a number of Government members. The amendment, as subamended, was then adopted.

214. Three subsequent amendments were then withdrawn by the Government member of the United States since they had become redundant.

H. International cooperation

Point 21

215. The Government member of the Netherlands introduced an amendment submitted by Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the United Kingdom to add the word "appropriate". The Employer and Worker Vice-Chairpersons supported the amendment, which was then adopted.

216. The Employer Vice-Chairperson introduced an amendment to replace "undertaken" by "encouraged". This was accepted by the Worker Vice-Chairperson. The amendment was then adopted.

217. The Employer Vice-Chairperson introduced an amendment to delete the word "systematic", which was supported by the Worker Vice-Chairperson. The amendment was then adopted.

218. The Worker Vice-Chairperson introduced an amendment to make the text consistent, which was accepted by the Employer Vice-Chairperson. The amendment was then adopted.

219. The Government member of Uganda submitted an amendment, which was seconded by Canada, to introduce a reference to "gender disaggregation", stating that the ILO should make a consistent effort to include such information in future reports. The Employer and Worker Vice-Chairpersons supported the amendment, which was then adopted. Two similar amendments were then withdrawn.

220. The Government member of the United States submitted an amendment, which was seconded, to remove a reference to the Internet since it might become obsolete in the future. The amendment was acceptable to the Employer and Worker Vice-Chairpersons and was then adopted.

221. The Government member of Italy submitted an amendment, which was seconded, to include a reference to women entrepreneurship. This was supported by the Worker and Employer Vice-Chairpersons. The amendment was then adopted.

222. The Employer Vice-Chairperson withdrew an amendment referring to the variety of contexts and countries in which SMEs operated.

223. The Employer Vice-Chairperson introduced an amendment to add a reference to job creation in view of the overall purpose of the Proposed Conclusions. The Worker Vice-Chairperson supported the amendment, which was then adopted.

224. The Worker Vice-Chairperson introduced an amendment to add a reference to workers in SMEs, which was subamended by the Employer Vice-Chairperson. The Worker Vice-Chairperson accepted the subamendment. The amendment, as subamended, was then adopted.

225. The Worker Vice-Chairperson introduced an amendment to include a reference to employment opportunities which was accepted by the Employer Vice-Chairperson. The amendment was then adopted.

Point 22

226. The Government member of the United States submitted an amendment, which was seconded by the Government member of Canada, to delete the point. The Government members of the Netherlands, Belgium and Botswana supported the amendment. The Employer and Worker Vice-Chairpersons also supported the amendment, which was then adopted.

227. The Chairperson of the Working Party established by the Committee to draft point 3 of the Proposed Conclusions submitted a draft text mentioning that it had already received the support of the three groups. The Committee then adopted the draft text.

Adoption of the report, Proposed Conclusions and resolution

228. At its 16th sitting, the Committee adopted its report. At the same sitting, the Committee adopted the Proposed Conclusions presented at the end of the report.

229. Before the adoption of the report, the Government member of the Drafting Committee, in the absence of the Reporter, said that the Drafting Committee had met for six hours and had deliberated at length on both the English and French texts. Minor changes had been made in order to ensure the accuracy of the Committee's decisions and both texts had been reconciled with the assistance of the secretariat and the Legal Adviser.

230. The Employer Vice-Chairman said that the Conclusions of the Committee would have considerable importance for the economic well being of many generations to come. The Employers were in full agreement with the Conclusions of the meeting and had no hesitation in endorsing the report, the Proposed Conclusions and the resolution. He congratulated the Chairperson on the skill with which she had helped to lead the Committee to its conclusions.

231. The Worker Vice-Chairman said that his group was satisfied that the draft report and the Proposed Conclusions fully reflected all the concerns of his group. Although the discussion had at times been difficult, agreement had been reached.

232. The Chairperson expressed her thanks to the Employer and Worker Vice-Chairpersons, the Reporter and the members of the Drafting Committee. She also extended her thanks to the interpreters and the staff of the secretariat. She said that the experiences of many countries suggested that a favourable institutional, political and social environment was indispensable for small and medium-sized enterprises to grow and prosper. Such an environment depended not only on free market principles, but had to be guided by the will and imagination of people. A coherent, proactive, even visionary, policy was needed if benefits were to be obtained from globalization. Close cooperation between the social partners was essential.

233. The report of the Committee, the Proposed Conclusions and a resolution to place on the agenda of the next ordinary session of the Conference an item entitled: “General conditions to stimulate job creation in small and medium-sized enterprises”, are submitted for consideration.

Geneva, 18 June 1997.

(Signed) D. Mozdzenska-Mrozek,
Chairperson.

J. Ott,
Reporter.

PROPOSED CONCLUSIONS

A. Form of instrument

1. The International Labour Conference should adopt an instrument on general conditions to stimulate job creation in small and medium-sized enterprises (SMEs).

2. The instrument should take the form of a Recommendation.

B. Preamble

3. The instrument should contain a Preamble in the following terms:

Aware of the importance of the issue of job creation in small and medium-sized enterprises, and

Recalling the resolution concerning the promotion of small and medium-sized enterprises adopted by the International Labour Conference at its 72nd Session in 1986, as well as the Conclusions adopted under the resolution concerning employment policy in a global context, adopted by the Conference at its 83rd Session in 1996, and

Noting that small and medium-sized enterprises, as a critical factor in the ongoing growth of market economies, are responsible for the creation of the majority of jobs throughout the world, and

Recognizing that small and medium-sized enterprises provide the potential for women and other traditionally disadvantaged groups to gain improved access to productive, sustainable and quality employment opportunities, and

Convinced that promoting respect for the Forced Labour Convention, 1930, the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Abolition of Forced Labour Convention, 1957, and the Discrimination (Employment and Occupation) Convention, 1958, will enhance the creation of quality employment in small and medium-sized enterprises and in particular meet the concerns of Members with respect to the issue of child labour, and

Desirous of encouraging Members, in the design and implementation of policies, to take account of the provisions of this Recommendation together with the relevant provisions of international labour Conventions and Recommendations as appropriate, such as the Employment Policy Convention and Recommendation, 1964, and the Employment Policy (Supplementary Provisions) Recommendation, 1984, the Co-operatives (Developing Countries) Recommendation, 1966, the Minimum Age Convention and Recommendation, 1973, the Human Resources Development Convention and Recommendation, 1975, and the Occupational Safety and Health Convention and Recommendation, 1981, and

Affirming that this Recommendation stands as valuable guidance for Members, alongside the proven ILO initiatives to promote the role of small and medium-sized enterprises in sustainable job creation and to encourage adequate and common application of social protection, as well as Start Your Business, Improve Your Business and other programmes and the work of the International Training Centre of the ILO in training and skill enhancement.

C. Definition, purpose and scope

4. Members should define an SME by reference to such criteria as may be considered appropriate in accordance with national social and economic conditions. This flexible approach should not preclude Members from arriving at commonly agreed definitions for data collection and analysis purposes.

5. Members should adopt measures which are appropriate to national conditions and consistent with national practice in order to recognize and to promote the fundamental role that SMEs can play as regards:

(a) the promotion of full, productive and freely chosen employment;

(b) greater access to income-earning opportunities and wealth creation leading to productive and sustainable employment;

(c) sustainable economic growth and the ability to react flexibly to changes;

(d) increased economic participation of disadvantaged and marginalized groups in society;

(e) increased domestic savings and investment;

(f) training and development of human resources;

(g) balanced regional and local development;

(h) provision of goods and services which are better adapted to local market needs;

(i) the possibility of access to improved working conditions and quality of work which may contribute to the quality of life, as well as social protection for large numbers of people;

(j) stimulating innovation, entrepreneurship, technology development and research; and

(k) accessing domestic and international markets.

6. In order to promote the fundamental role of SMEs referred to in point 5, Members should adopt, where appropriate, measures and enforcement mechanisms to safeguard the interests of workers in SMEs, in accordance with the basic protection under other relevant instruments.

7. The provisions of this Recommendation should apply to all branches of economic activity and all types of enterprise, irrespective of the form of ownership (i.e. private and public companies, cooperatives, partnerships, family enterprises, sole proprietorships and others).

D. Policy and legal framework

8. In order to create a business environment conducive to the growth and development of SMEs, Members should:

(a) adopt and pursue appropriate fiscal, monetary and employment policies to promote a stable economic environment (as regards, in particular, inflation, interest and exchange rates, taxation, and employment and social stability);

(b) establish and apply appropriate rules as regards, in particular, property rights, location, enforcement of contracts, and adequate social and labour legislation.

9. The measures referred to in point 8 should be complemented by policies for the promotion of efficient and competitive SMEs able to provide productive and sustainable employment under adequate social conditions. To this end, Members should consider policies that:

(1) create conditions which:
   (a) provide for all sizes and types of enterprises:
      (i) equal opportunity as regards, in particular, access to credit, foreign exchange and imported inputs; and
      (ii) fair taxation;
   (b) ensure the equal application of labour legislation, in order to raise the quality of employment in SMEs;
   (c) promote observance by SMEs of international labour standards related to child labour;

(2) remove constraints to the development and growth of SMEs, as regards:
   (a) insufficient access to credit;
   (b) low levels of technical and managerial skills;
   (c) inadequate information;
   (d) low levels of productivity and quality;
   (e) insufficient access to markets;
   (f) difficulties of access to new technologies;
   (g) inappropriate, inadequate or overly burdensome administrative requirements, including those which are disincentives to the hiring of personnel — for instance, registration, licensing and reporting — without prejudice to the effectiveness of labour inspection and the system of supervision of working conditions and related issues;

(3) include specific measures aimed at assisting and upgrading the informal sector to become part of the organized sector.

10. With a view to the formulation of such policies, Members should where appropriate:

(1) collect adequate national data on the SME sector, including quantitative and qualitative aspects of employment, while ensuring that this does not result in undue administrative burdens for SMEs;

(2) undertake a comprehensive review of the impact of existing policies and regulations on SMEs, with particular attention to the impact of structural adjustment programmes on job creation;

(3) review labour and social legislation, in consultation with the most representative employers' and workers' organizations as well as with the representative organizations of the employers and workers concerned, if they exist, to determine whether:
   (a) such legislation meets the special needs of SMEs, while ensuring adequate protection and working conditions for their workers;

(b) as regards social protection, consideration should be given to a range of supplementary measures such as voluntary schemes, cooperative initiatives and others;

(4) ensure the extension of social protection to workers in SMEs and compliance with social security regulations.

11. In formulating these policies, Members:

(1) may consult, in addition to the most representative employers' and workers' organizations referred to in point 10(3) above, other concerned and competent parties as appropriate;

(2) should take into account other policies in such areas as fiscal and monetary matters, trade and industry, employment, labour, social protection, gender equality and occupational safety and health;

(3) should establish mechanisms to review, in consultation with the most representative employers' and workers' organizations, and update these policies.

E. Development of an enterprise culture

12. Members should adopt measures, drawn up in consultation with the most representative employers' and workers' organizations, to create and strengthen an enterprise culture which favour initiatives, enterprise creation, productivity, environmental consciousness, quality, good labour and industrial relations, and adequate social practices which are equitable. To this end, Members should consider pursuing:

(1) the development of entrepreneurial attitudes through the system and programmes of education and training, linked to job needs and the attainment of economic growth and development with particular emphasis being given to the importance of good labour relations and the multiple vocational and managerial skills needed by SMEs;

(2) a process of life-long learning for all categories of workers and entrepreneurs;

(3) the designing and implementation, with full involvement of the organizations of employers and workers concerned, of awareness campaigns to promote:

  (a) the rule of law, working conditions and workers' rights, higher productivity and quality of goods and services;

  (b) entrepreneurial role models and award schemes, taking into account the specific needs of women, disadvantaged and marginalized groups.

F. Development of an effective SME service infrastructure

13. Consideration should be given to the availability of a range of direct and indirect support services to SMEs, to enhance their growth, job-creation potential and competitiveness, to include:

(a) managerial and vocational skills enhancement;

(b) consultancy and research services;

(c) access to capital markets, credit and loan guarantees;

(d) quality testing and measurement;

(e) marketing research and assistance;

(f) packaging services;

(g) assistance in product design, development and presentation;

(h) business start-up and development assistance, including business planning;

(i) information services, including advice on government policies;

(j) assistance and services on labour legislation, including on workers' rights, human resources development and gender equality;

(k) export promotion and domestic and international trade opportunities;

(l) advice regarding technology;

(m) access to energy, telecommunications, and physical infrastructure such as water, electricity, premises, transportation and roads, provided directly or through private sector intermediaries;

(n) support for innovation and modernization;

(o) legal, accounting and other financial services;

(p) business incubators;

(q) computer systems application, information technology services;

(r) environmental management services.

14. As far as possible, the support services referred to in point 13 should be designed and provided to ensure the highest degree of relevance and efficiency through such means as:

(a) adapting the specific services and their delivery to the particular prevailing economic, social and cultural conditions;

(b) ensuring strong involvement of SMEs and the most representative employers' and workers' organizations in the determination of services to be offered;

(c) involving the public and private sector in the delivery of such services through, for example, employers' and workers' organizations, semi-public organizations, private consultants and SMEs;

(d) decentralizing the delivery of services, thereby bringing them as physically close to SMEs as possible;

(e) providing services tailored to the specific needs of SMEs of different sizes in different sectors and at differing stages of development;

(f) promoting easy access to an integrated range of services through "single window" arrangements and referral services;

(g) aiming towards self-sustainability for service providers through a reasonable degree of cost recovery from SMEs and other sources, in such a manner as to enhance the employment creation potential of SMEs and the functioning of markets;

(h) ensuring professionalism and accountability in the management of service delivery;

(i) establishing mechanisms for continuous monitoring, evaluation and updating of services.

15. Services should be designed to include productivity-enhancing and other approaches which promote efficiency, together with improved labour practices and

working conditions, and help SMEs to sustain competitiveness in domestic and global markets.

16. Members should facilitate access by SMEs to finance and credit under satisfactory conditions. In this connection:

(1) except in the case of particularly vulnerable groups of entrepreneurs, credit and other financial services should as far as possible be provided on commercial terms to ensure their sustainability;

(2) supplementary measures should be taken to simplify administrative procedures, reduce transaction costs and overcome problems related to inadequate collateral by, for example, the creation of non-governmental financial retail agents and poverty-oriented development finance institutions;

(3) SMEs may be encouraged to organize in mutual guarantee associations.

17. Members should consider policies to improve the terms and conditions of employment in SMEs by ensuring equal application of protective labour legislation.

18. Members should, in addition:

(1) facilitate the development of organizations, where appropriate, which can effectively support the growth and competitiveness of SMEs. In this regard, consultation with the most representative employers' and workers' organizations should be considered;

(2) consider adequate measures to promote cooperative linkages between large and small enterprises. In this connection, measures should be taken to safeguard the legitimate interests of SMEs;

(3) consider measures to promote linkages between SMEs to encourage mutual learning as well as resource and risk sharing. In this connection, SME consortia, enterprise networks and service cooperatives and similar structures might be encouraged and the importance of the role of employers' and workers' organizations should be recognized;

(4) consider specific measures for persons aspiring to become entrepreneurs among selected categories of the population, such as: women, long-term unemployed, persons affected by structural adjustment or restrictive and discriminatory practices, disabled persons, demilitarized personnel, young persons including graduates, elderly workers with appropriate experience, ethnic minorities and indigenous and tribal peoples. The detailed identification of these categories should be carried out taking into account national socio-economic priorities and circumstances;

(5) consider special measures to improve the communication between government agencies and SMEs which lack specialized support staff in order to improve the effectiveness of government policies aimed at job creation;

(6) encourage the development of support for female entrepreneurship, recognizing the growing importance of the role of women in the economy, through actions, designed specifically for women who are either entrepreneurs or wish to become entrepreneurs.

G. Roles of the employers' and workers' organizations

19. Employers' or workers' organizations should consider the following types of involvement in the development of SMEs:

(a) articulating the concerns of SMEs, or their workers, as appropriate, towards government regarding the policy and legal frameworks in which they operate;

(b) providing direct support services such as training, consultancy, facilitating access to credit, marketing support, promoting linkages with larger enterprises, advice on industrial relations, and similar services;

(c) involvement in national, regional and local SME-oriented institutions which provide support in such areas as training, consultancy, business start-up and quality;

(d) participation in councils, task forces and other bodies at central, regional and local levels established to deal with important economic and social issues, including policies and programmes affecting SMEs;

(e) taking part in the development of economically and socially progressive restructuring (for example, retraining and promotion of self-employment) while maintaining appropriate social safety nets;

(f) becoming involved in promotion of exchanges of experience and establishment of commercial linkages between SMEs;

(g) participating in the monitoring, analysis and promotion as appropriate, of social and labour market issues regarding SMEs, including terms and conditions of employment, working conditions, social protection and vocational training;

(h) involvement in activities to raise quality, productivity and ethical standards and to achieve gender equality;

(i) preparing studies on SMEs, collecting statistical and other types of information relevant to the sector, including gender disaggregated statistics, and sharing these as well as lessons of best practice in the promotion of SMEs among national and international employers' and workers' organizations;

(j) providing services and advice on workers' rights, labour legislation and social protection for workers in SMEs.

20. SMEs and their workers should be encouraged to be adequately represented in full respect of freedom of association. In this connection, employers' and workers' organizations should consider widening their membership base to include SMEs.

H. International cooperation

21. Appropriate international cooperation should be encouraged in the following areas:

(a) exchange of information, gender disaggregated where appropriate, on best practices in terms of policies and programmes to create jobs and to raise the quality of employment in SMEs;

(b) creation of linkages between national and international bodies and institutions that are involved in the development of SMEs, including employers' and workers' organizations, in order to facilitate:

  (i) exchange of staff and ideas;

  (ii) exchange of training materials, training methodologies and reference materials;

  (iii) compilation of research findings and other quantitative and qualitative data, gender disaggregated where appropriate, on SMEs and their development;

  (iv) establishment of international partnerships of SMEs, alliances, subcontracting arrangements and other commercial linkages;

  (v) development of new mechanisms, utilizing modern information technologies for the exchange of information between governments, workers' and employers' organizations on experience gained with regard to the promotion of SMEs;

(c) international meetings and discussion groups on approaches to job creation through the development of SMEs including, support for female entrepreneurship through actions specifically designed for women who wish to become, or who already are, entrepreneurs;

(d) systematic research into the structure, effectiveness and key success factors for promoting job creation in SMEs which are both efficient and capable of providing good working conditions and adequate social protection in a variety of contexts and countries;

(e) promotion of access by SMEs and workers to national and international databases in such areas as employment opportunities, market information, laws and regulations, technology and product standards.

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "General conditions to stimulate job creation in small and medium-sized enterprises"

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Recommendation concerning "General conditions to stimulate job creation in small and medium-sized enterprises",

Decides that an item entitled "General conditions to stimulate job creation in small and medium-sized enterprises" shall be included in the agenda of its next ordinary session for a second discussion regarding the proposed adoption of a Recommendation concerning General conditions to stimulate job creation in small and medium-sized enterprises.

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No. 17 — Wednesday, 18 June 1997

International Labour Conference
Provisional Record
Eighty-fifth Session, Geneva, 1997

18(Rev.)

Sixth item on the agenda: Contract labour

Report of the Committee on Contract Labour

1. At its first sitting on 3 June 1997, the International Labour Conference constituted the Committee on Contract Labour. The Committee was originally composed of 214 members (92 Government members, 54 Employer members and 68 Worker members). To achieve equality of voting strength, each Government member entitled to vote was allotted 459 votes, each Employer member 748 votes and each Worker member 594 votes. The composition of the Committee was modified ten times during the session and the number of votes attributed to each member adjusted accordingly.[1]

2. The Committee elected its Officers as follows:

Chairperson: Mr. L. Mishra (Government member, India) at its first sitting.

Vice-Chairpersons: Mr. B. Noakes (Employer member, Australia); and Mr. J.-C. Parrot (Worker member, Canada) at its first sitting.

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[1] The modifications were as follows:

(a) 4 June: 210 members (88 Government members with 459 votes each, 54 Employer members with 748 votes each and 68 Worker members with 594 votes each);

(b) 5 June: 204 members (92 Government members with 105 votes each, 42 Employer members with 230 votes each and 70 Worker members with 138 votes each);

(c) 6 June: 203 members (93 Government members with 44 votes each, 44 Employer members with 93 votes each and 66 Worker members with 62 votes each);

(d) 7 June: 197 members (94 Government members with 1,281 votes each, 42 Employer members with 2,867 votes each and 61 Worker members with 1,974 votes each);

(e) 9 June: 194 members (95 Government members with 42 votes each, 42 Employer members with 95 votes each and 57 Worker members with 70 votes each);

(f) 10 June: 195 members (96 Government members with 133 votes each, 42 Employer members with 304 votes each and 57 Worker members with 224 votes each);

(g) 11 June: 196 members (96 Government members with 2,419 votes each, 41 Employer members with 5,664 votes each and 59 Worker members with 3,936 votes each);

(h) 12 June: 181 members (96 Government members with 53 votes each, 32 Employer members with 159 votes each and 53 Worker members with 96 votes each);

(i) 13 June: 173 members (96 Government members with 29 votes each, 29 Employer members with 96 votes each and 48 Worker members with 58 votes each);

(j) 16 June: 165 members (96 Government members with 145 votes each, 29 Employer members with 480 votes each and 40 Worker members with 348 votes each).

Reporter: Mr. G.H. Johannes (Government member, South Africa) at its tenth sitting.

3. At its 11th sitting, the Committee appointed a Drafting Committee composed of the following members: Ms. L. Samuel (Government member, Cyprus), Mr. B. Noakes (Employer member, Australia), Mr. J.-C. Parrot (Worker member, Canada), and the Reporter of the Committee, Mr. G.H. Johannes (Government member, South Africa).

4. The Committee held 16 sittings.

5. The Committee had before it Reports VI(1) and VI(2), both entitled "Contract labour", that had been prepared by the Office.

Introduction

6. The representative of the Secretary-General of the Conference noted that in unanimously deciding to place the issue of contract labour on the agenda of the Conference as a possible subject for standard setting, the Governing Body had emphasized the importance of addressing the increasingly significant phenomenon of contract labour worldwide. Referring to the Office research on this topic, summarized in Report VI(1), he pointed out the increase in the use of contract labour in many countries with a wide range of definitions being employed. The panoply of approaches to protecting contract workers while avoiding unwarranted intervention in relationships that are essentially commercial in nature was also noted. A number of labour demand and supply factors fostering the trend towards the increasing recourse to contract labour were enumerated, as set out in Report VI(2). From the employers' perspective, these factors included the aim to cut labour costs through optimizing flexibility, the fluctuating demand for products and services, the emergence of new technologies and methods of work organization. The job creation potential of contract labour arrangements had also been raised by employers. On the supply side of the labour market, the flexibility offered by contract labour could be an attraction to a growing number of workers; high levels of unemployment might also act as an incentive for workers to accept contract labour arrangements since "standard" forms of employment are often not available. However, from the workers' perspective, contract labour also gives rise to the potential for abuses that call for protective measures, particularly where resort is had to contract labour to avoid obligations owed to workers under existing labour laws. Concern was also expressed that the nature of contract labour arrangements renders them less conducive to maintaining working conditions that adequately protect workers' safety and health. The representative of the Secretary-General then outlined the dominant issues before the Committee: first, defining the parameters of the contract labour relationship and identifying the areas in which regulation may be both necessary and appropriate in contemporary labour markets; and second, defining the respective responsibilities of the relevant parties. He recalled that the majority of governments replying to the Office questionnaire had favoured the adoption of a Convention or a Convention supplemented by a Recommendation. Therefore, the Proposed Conclusions had been drafted accordingly. Finally, he pointed out the principles, identified in Report VI(2), that had guided the Office as the basis for possible new international instruments, which would of course have to be seen in the context of existing international labour standards applicable to contract workers.

7. Further details of the reports before the Committee, Reports VI(1) and VI(2), were then presented, including through the use of diagrams and slides, by a member of the secretariat, who stressed that the main issues arising relate to the contractual status of the workers concerned and the extent of labour law protection they enjoy. The variety of existing contractual arrangements was then set out. Arrangements generally giving rise to a contract of employment were examined, including where a worker works directly as an employee for a user enterprise or a subcontractor. Those not resulting in a contract of employment include where the worker is not an employee of the subcontractor or an intermediary, though his or her services are procured for the benefit of the user enterprise by the subcontractor or intermediary. An employment relationship may also not ensue in some situations where the worker provides his or her services directly to the user enterprise, for example in the case of a one-person subcontractor.

8. In examining the origins of labour law protection, the concept of the worker's subordination to and dependency on the employer was introduced. This concept was further explored in the particular context of contract labour: it was noted that a large body of jurisprudence has developed resulting in contract labourers being brought within the scope of labour law protection where they are found to be in a situation of dependency on or subordination to the user enterprise similar to that characterizing an employment relationship under national law and practice. This jurisprudence was the inspiration for the definition of "contract labour" set out in the Proposed Conclusions found in Report VI(2). With respect to the extent of the protection, it was foreseen that this would vary depending on the extent of the user enterprise's control over and responsibility for the worker's conditions of work.

General discussion

9. The Government member of Italy informed the Committee that her Government was in favour of the adoption of a Convention, contrary to the indications given in Report VI(2). She explained that the Office had mistaken the reply of CONFINDUSTRIA (the Italian employers' confederation), which had favoured a Recommendation only, for that of the Government. The latter was ready to discuss a Recommendation but, at this stage of the work, did not support the adoption of such an instrument.

10. In his opening statement, the Employer Vice-Chairperson stressed that the Employer members were implacably opposed to the adoption of new standards on contract labour, since in their view, due to the dearth of knowledge in this area, it would be impossible for the Committee to be able to formulate standards capable of providing a basis for action that would lead to concrete and acceptable outcomes. In reviewing the steps leading up to this first discussion on contract labour, he recalled that in the Governing Body meeting of April 1995, the Employers' group had unequivocally opposed the proposal put forward by the Workers' group to place contract labour on the agenda of the 1997 Conference. In the debate that followed, a large number of governments expressed reservations or only gave qualified support to the proposal, and it was evident that there was much conceptual confusion. Nevertheless, as a majority (though small) of governments were in favour of including contract labour on the agenda, the Employers' group had agreed to the inclusion of the item on the agenda. However, he emphasized that the Governing Body's decision could not be considered as unanimous. According to the Employer Vice-Chairperson, the report that was then prepared, Report VI(1), raised the conceptual, definitional and practical difficulties associated with this subject and evidenced the Office's own doubts about the viability of contract labour as a standard-setting item.

11. With reference to the Office's second report (VI(2)), the Employer Vice-Chairperson noted that it documented the employers' continued opposition to the standard-setting exercise and the persistent division among governments. He went on to highlight the linguistic and conceptual difficulties inherent in the topic under discussion. He said that there could be no clearer indication of the complexity of the issue than the extraordinary and unprecedented lengths to which the Office had gone to explain its approach. Drawing attention to the report entitled *The ILO, standard setting and globalization*, Report of the Director-General (International Labour Conference, 85th Session, 1997), he noted that a more selective and rational approach to the production of standards had been stressed, with the aim of ensuring their increased relevance and impact. In addition, he noted that the Director-General had suggested different ways of dealing with subjects which raise complex technical or political issues and about which the Office does not have enough information.

12. Contract labour, in the opinion of the Employer members, is a universal and irreversible phenomenon which arose in response to changes in the nature and organization of work and changes in social conditions, and is itself in the process of rapid evolution. Contract labour cannot and should not be eliminated, in their view, since in many instances it brings advantages to both workers and employers, providing a useful response to the rigidities of traditional employment relationships and constituting an important source of job creation. Contract labour takes many forms, the Employer Vice-Chairperson noted, and is incapable of precise definition. In attempting to rationalize the wide variety of approaches to the subject, the Office had introduced concepts foreign to the practice in many countries. Concern was raised that the almost universal government recourse to contracting out services would be considered subcontracting and, therefore, a form of contract labour that would be restricted pursuant to the proposed definition.

13. The Employer Vice-Chairperson emphasized that the Employers' group was not opposed to the provision of appropriate protection, in particular ensuring that persons who are found on the basis of objective tests to be employees are protected as such. They expressed their willingness to support an exercise to protect against sham arrangements, fraud or illegal practices adopted to avoid legal obligations and disadvantage workers. However, in their view, the proposed instruments would not further such a goal, but rather would create difficulties for governments because of conflicts with national law and practice, the consequences for taxation and social security systems, the restrictions on contracting out and the loss of job creation potential that would result.

14. The Employer Vice-Chairperson noted that, despite their reservations, the Employer members would participate fully in the discussion with a view to exploring whether it is possible to find some basis for an understanding about future action; however, such action could not be founded on the Proposed Conclusions in their view. The key issue was whether or not an employment relationship exists in relation to particular work and how that should be determined. If an "employment relationship" exists, the person should be treated as an employee with all the consequences flowing from that status. They thought that defining contract labour was an impossible task and that the idea of varying the degree of protection depending on the degree of dependency was unworkable. He concluded by saying that any consensus to propose the adoption of instruments on "contract labour" would be a weak consensus which would not include the Employers and many Governments.

15. The Worker Vice-Chairperson began by stressing the pressing need for an instrument, particularly a Convention, in the area of contract labour. The Workers' group welcomed the inclusion of the item on the agenda of the Conference, since it addresses the very real problem of workers who are denied protection due to contract labour. They were satisfied that the results of the Office's research in this area evidenced the existence of sufficient knowledge and clear conceptualization to provide a foundation for standard setting. He commented on the development of a new instrument in the context of the overall standard-setting mechanism of the ILO, referring in particular to the Working Party on Policy concerning the Revision of Standards of the Governing Body Committee on Legal Issues and International Labour Standards. The Workers' group had agreed to be involved in the process of reviewing the existing Conventions, including the abrogation of obsolete Conventions, on the understanding that this process was not intended to lower the level of worker protection, but would proceed in tandem with the adoption of new standards, the promotion of existing standards and the strengthening of the supervisory system. He recalled that the ILO was established to develop standards that would provide protection to workers; the credibility and very existence of the Organization would be called into question if it failed to continue to fulfil that mission.

16. In the view of the Worker members, there were compelling reasons for adopting a Convention on contract labour. Most labour laws, the Worker Vice-Chairperson noted, treated the employment relationship as being subject to a special contract, the justification for which was the unequal power relationship between workers and employers, which could not be appropriately regulated through other kinds of contracts, including commercial contracts. Special treatment was also accorded to the employment relationship due to the recognition that human labour could not be treated as a commodity. The recognition of the employment relationship placed obligations on the employer to protect workers, thereby ensuring a measure of social justice that would protect society as a whole. He pointed out that the concept of the employment relationship was being challenged due to changes in the nature and organization of work, resulting in increasing numbers of workers being placed in co-employment or triangular employment relationships falling outside the ambit of labour legislation. However, despite these changes, the unequal power relationship endured, as did the need to protect workers.

17. The Worker Vice-Chairperson asserted that, given its mandate, it would be difficult for the Organization to avoid setting a minimum standard to address the key problems related to contract labour, in particular the disguised employment relationship and the triangular employment relationship. He encouraged governments to adapt to changes in the labour market in ways that would protect workers, and to recognize that the relationship between workers and employers is fundamentally different from commercial relationships. Given the serious implications for workers posed by disguised and triangular employment relationships, he characterized the expectations of the Workers' group in this standard-setting process as modest, even conservative. His group expected the adoption of a Convention that would recognize the problems, oblige governments to take measures to prevent the use of contract labour for the sole purpose of avoiding labour laws, and encourage governments to extend protection accorded to regular employees to contract workers performing similar work under similar conditions. The creation of a new category of workers was not foreseen, and he explained that requiring that workers who are in similar subordinate or dependent positions as employees be treated as employees would not be a radical change. In the view of the Worker members, though originally all workers in a position of subordination to or dependency on an employer were meant to be covered by ILO instruments, many workers were falling outside their scope, thus an additional instrument was needed to extend protection. The new instrument should, in the view of the Worker members, provide a general framework reflecting new realities, without ignoring the old reality that workers need protection due to the inequality of the power relationship.

18. The Workers' group rejected the view that the instrument would have a negative impact on job creation potential. The Worker Vice-Chairperson stressed that, at its worst, contract labour was a form of fraud to avoid employment obligations, and such abuses needed to be prevented. In concluding, though recognizing the complexity of the issue, he suggested that the extent of the complexity should not be exaggerated.

19. The Government member of Trinidad and Tobago expressed the concern of her Government and the Caribbean Community regarding the negative manifestations of contract labour in the region, particularly the disturbing developments in its growth, form and content. Due to its importance, the issue had been discussed by CARICOM Ministers of Labour in May 1997. While noting the potential benefits of contract labour, the Ministers held that urgent action was required to address the emerging problems in this area. She asserted that legislative protection was needed for all workers. While recognizing the existence of diverging views on the subject, she stressed the need to curb the abuses in this area in the pursuit of social justice.

20. The Government members of Australia and New Zealand declared that contract labour was not an appropriate subject for standard setting at this time. According to the Government member of Australia, his Government was concerned about the possibility that such an instrument could impede business and employment opportunities, economic progress and efficiencies. It would be difficult, in his Government's view, to devise an instrument that would deal with contract labour in a fair and balanced manner, taking into account the diversity of national law and practice, and that would have reasonable ratification prospects. The Government member of New Zealand outlined the prevailing legal situation in his country, whereby contracts of service and contracts for services are treated distinctly, protections based on the employment relationship being considered inappropriate in the latter case. He underlined the importance of looking to the intention of the relationship, and applying a range of tests where necessary to determine the true nature of the relationship. He suggested that an assessment of the considerable investment required to introduce and produce new instruments should be made.

21. The Government member of Cyprus noted that though contract labour was not a phenomenon in her country, since there was little in the way of atypical employment, her Government had come with an open mind to discuss the issue. Speaking on behalf of the Member States of the European Union which were members of the Committee (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, hereafter referred to as "the Member States of the European Union"), the Government member of the Netherlands stressed the importance of the subject before the Committee and the need to protect workers within the grey area where they are neither truly self-employed nor covered by a traditional contract of employment. The Member States of the European Union were prepared to participate in an in-depth discussion based on the Proposed Conclusions; however, he noted that they had varying views regarding what they hoped would be the outcome of the debate.

22. The Government member of the United States enumerated his Government's objectives regarding the work of the Committee. First, his Government wanted to ensure that any instrument would attract a wide tripartite consensus to enhance the possibility of ratification, which would require that a flexible approach be taken. Second, they would work toward supporting an instrument to the extent that it was consistent with their federal and state law and practice. Third, the instrument should promote rather than decrease job opportunities. Finally, the instrument should not unduly restrict the right of parties to reach voluntary agreements on matters that had, in accordance with national law and practice, been subject to collective agreements. He expressed the need for caution in dealing separately with this economic sector to ensure that discriminatory treatment did not result. The usefulness and necessity of addressing the problems arising from contract labour were underlined by the Government member of Venezuela. The establishment of regulations in this area should not be seen as impeding employment, in the view of her Government.

23. The Government members of Sweden and Norway also noted the importance of the subject, as well as the urgent need to regulate contract labour. The Government member of Sweden supported the idea of adopting an instrument in this area. While recognizing the potential positive effects of contract labour, she pointed out that there was room for abuse, in particular agreements being constructed with the aim of circumventing labour law protection. The grey zone of workers whose status and protection was not clear was ever expanding. She explained that, due to the comprehensive definition of "employee" in the Nordic countries, many workers who might not be considered as employees in other countries are regarded as employees, and extensive case law exists interpreting and developing the concept of "employee". Consequently, those falling within the definition of contract labour in the Proposed Conclusions would likely be considered "employees" in Sweden and elsewhere. The Government members of Denmark and Hungary confirmed that this was also the situation in their respective countries. Similarly, the Government member of Norway asserted that persons performing work for others under actual conditions of subordination or dependency should be entitled to the same legal rights as other workers. The Government member of Sweden went on to point out that there was a weak group among the self-employed in her country, referred to as "equalled contractors" who have been provided with certain basic protections, in particular regarding collective bargaining and health and safety, but they are still considered to be self-employed. She stressed the need for any instrument to be flexible enough to be capable of operating in a variety of legal environments giving rise to a variety of legal concepts. This call for flexibility in any instrument adopted was reiterated by the Government members of Cyprus, Japan, Papua New Guinea and Mauritius.

24. The Government member of Japan suggested that it was useful to discuss contract labour at the ILO at a time when globalization was intensifying international competition. He explained that in his country, workers were protected by the national labour laws where they were found to be in a position of subordination to a user enterprise, even where the contract they entered into with the latter was not a contract of employment. His Government was in favour of the adoption of a Recommendation on this subject. The Government member of Canada also expressed his Government's support for the adoption of a Recommendation on this important topic. While raising certain reservations with respect to the form and scope of the document under consideration, the Government member of Canada noted that if the definitional problems could be overcome, in particular the use of the word "sous-traitance" in French which could be considered as synonymous with "contracting out", his Government could consider supporting a Convention. The difficulties raised by the French translation of the term "contract labour" were also noted by the Government member of Switzerland, who stated that in francophone countries, the term "travail en sous-traitance" does not have the same meaning as that proposed in the Conclusions.

25. While noting the difficulty in foreseeing how the phenomenon of contract labour would develop in the future in different national contexts, the Government member of Switzerland expressed her Government's willingness to study all the proposals aimed at providing protection to the largest number of workers. In her view, however, the definition provided in the Proposed Conclusions was so flexible as to be open to numerous interpretations; a common denominator needed to be found. She raised concern regarding the link between the discussion on contract labour and the concurrent discussion on fee-charging employment agencies (the fourth item on the Conference agenda).

26. The Government member of Chile stressed the need to strike a balance between the demand for labour flexibility and the provision of adequate worker protection. The Government member of Mauritius recalled that in the response to the Office questionnaire, his Government had favoured the adoption of a Convention on this subject; however, in the light of the discussion, which revealed the lack of conceptual clarity, his Government wanted more information on this subject, in particular regarding the meaning of the terms "dependency" and "subordination" found in the Proposed Conclusions. The Government member of Zimbabwe reaffirmed his Government's support for the adoption of a Convention and Recommendation on contract labour, in the belief that exploitation of labour for any reason should be considered a violation of basic human rights. He noted that, in Zimbabwe, contract labour was being used to cut costs, often by denying workers social security benefits and health and safety protection.

27. A number of Government members, including Canada, Chile, Cyprus, Hungary, Mauritius, the Netherlands (speaking on behalf of the Member States of the European Union), Switzerland and the United States, raised concerns regarding the need for definitional and conceptual clarity, particularly in the proposed definition of contract labour, and called for a thorough discussion of these concerns. The Government member of South Africa responded to this call for clarity by suggesting that the definition of contract labour would be more precise if the meaning of "contract worker" were determined. She proposed that the following alternative definition be given consideration when the Committee reached this issue:

(i) A contract worker means a person who —

(a) performs work or provides services to a user enterprise;

(b) is in a condition of substantial economic and/or organizational dependency on the user enterprise; and

(c) is not formally an employee of the user enterprise.

(ii) a contract worker may perform work or provide services —

(a) either directly to the user enterprise as an individual subcontractor;

(b) as an employee of a subcontractor; or

(c) through an intermediary.

Her Government was in favour of a Convention to ensure the extension of protection to workers without a clearly defined employment relationship.

28. The Government member of Germany called for definitions that would clearly define which groups are to be covered and who are the partners to the contract of employment. He submitted that "legal" self-employed workers could be covered by an instrument, where they are economically, though not personally, dependent on the user enterprise. He noted that pursuant to the definition in Point 5, only those having a contract of employment with the user enterprise are outside the scope of the definition; however, where a worker has a contract of employment with a contractor or subcontractor, he or she is also protected as an employee, and need not be within the scope of the instrument. The Government member of Hungary suggested that the criteria enumerated in paragraph (4) of Point 16 of the Proposed Conclusions be used to assist member States in determining whether a relationship is commercial in nature or an employment relationship. He asserted that substance should prevail over form in making such determination. The Government member of the United States also pointed to the factors set out in Point 16(4), noting that several of them had been held by the United States Supreme Court to be relevant in distinguishing between employees and independent contractors; however, no single factor was conclusive.

29. The Government member of France recalled that contract labour subsumed a very small part of subcontracting; therefore, the title, definition and scope of the proposed instruments were misleading. He noted that cases in which there was a well-defined subcontracting relationship between two enterprises were not within the scope of the proposed Convention, but the definitions in the proposed Recommendation suggested that this difference in approach was troublesome. He recalled that private employment agencies were specifically excluded from the scope of the proposed instruments, as they would be addressed by the Committee discussing fee-charging employment agencies. The Government member of Venezuela was of the view that it was necessary to establish clearly that the instruments applied to work being performed by a natural person, who is dependent upon an employer, whether that be a user enterprise or an intermediary. She noted the need to distinguish between natural persons and legal persons, the latter possibly involving a relationship between two enterprises that provide work.

30. A number of Government members, including Chile, Denmark, France, Hungary, Japan, Norway, Sweden, Switzerland, the Syrian Arab Republic and Venezuela, supported the view that any instrument on contract labour should not create a new category of workers with reduced protection. The crux of the issue, in their view, was to define clearly the scope of employment and commercial relationships, in view of the substance of the relationship rather than the form. However, there was some disagreement as to whether Point 5 of the Proposed Conclusions in fact attempted to create a third category. The Government member of France was not convinced that the Proposed Conclusions did not create a third category of worker. The Employer Vice-Chairperson expressed the view of his group that the Office text clearly created such a category, while the Worker Vice-Chairperson opposed this view. The Worker Vice-Chairperson noted that his group had proposed an amendment to the Preamble that would make it clear that no new category was being created through the instrument. The secretariat was requested by the Government member of the Netherlands, speaking on behalf of the Member States of the European Union, to clarify this point. The representative of the Secretary-General stated that the definition of "contract labour" found in Point 5 of the Proposed Conclusions was not intended to create a new category of workers; rather, it was based on the Office's analysis of the existing situation and existing practices. He noted that the definition was intended to facilitate discussion in the Committee with a view to the adoption of standards on this topic.

31. The Government member of the United Kingdom suggested that the purpose of the definition in Point 5 of the Proposed Conclusions was to identify what was meant by "contract worker". While not taking a position on this issue, he noted that the Employers' group and some Governments were concerned that the definition could encompass contracts for services which are commercial in nature. In the view of his Government, the group that should be covered was the group that did not have the independence of truly self-employed workers. He asked whether this was what was intended by referring to "dependency" and "subordination" in the Proposed Conclusions. The Government member of France queried whether "subordination" was intended to cover economic or legal subordination. If economic subordination were included, in his view, the scope would be so broad as to include independent contractors. Similarly, the Government member of Belgium cautioned that it should be made clear that we are speaking of legal relationships and not economic ones. In the opinion of the Government member of Chile, there was some confusion arising out of the discussion regarding effective dependency and legal dependency. According to the Government member of the Syrian Arab Republic, economic dependency would also involve legal dependency: if economic dependency was being referred to, then that worker would also be legally dependent on the user enterprise. He pointed out that Point 5 referred to actual dependency or subordination.

32. In response to the concerns raised regarding the meaning of "dependency" and "subordination", the representative of the Secretary-General explained that the definition in Point 5 of the Proposed Conclusions did not cover independent self-employed persons. A member of the secretariat addressed the question of economic dependency, stating that dependency of the worker on the user enterprise (as mentioned in Point 5) differs from the economic dependency which exists between the subcontractor and the user enterprise. The Proposed Conclusions refer to dependency, which is recognized by national law and practice as a characteristic of an employment relationship. He stressed that the Office had not introduced the word "economic" in the text.

33. The Employer Vice-Chairperson and the Worker Vice-Chairperson expressed their thanks to the Government members for their contribution to the discussion. In the opinion of the Employer Vice-Chairperson, the comments of the Governments did not alleviate the concerns of the Employers' group, but in many cases reinforced them. He enumerated the various issues that had been mentioned that were of particular interest to his group, and concluded by mentioning that they disagreed with the Office's assertion that a third category was not being created. He said that the first category was the truly independent worker; the second category was the worker with a recognized employment relationship; and the third category was the worker who did not have the legal status of an employee, but to whom it was proposed that the benefits of employee status should be extended. He added that the meaning of "dependency" and "subordination" continued to give rise to concern. The Worker Vice-Chairperson summed up by submitting that no third category had been created, and noted that this point could be clarified in the Preamble. Regarding subordination and dependency, he stated that, pursuant to the Proposed Conclusions, these terms had been strictly limited in two ways: first, to those types of subordination or dependency similar to employment relationships; and second, as defined under national law and practice.

Consideration of the Proposed Conclusions contained in Report VI(2)

A. Form of the instruments

Point 1

34. The Employer members submitted an amendment to delete Point 1, which stated that "The International Labour Conference should adopt standards on contract labour." In introducing this proposed amendment, the Employer Vice-Chairperson pointed out that the Committee was faced with the decision of whether or not to adopt standards on contract labour. He reiterated that his group was implacably opposed to the adoption of any standards on this subject and summarized the reasons given in his opening statement in support of this view, including in particular the weak consensus on which the decision to place the item on the agenda was based, the Office's own doubts as reflected in the reports before the Committee, the enormous diversity of national law and practice, and the lack of definitional and conceptual clarity. He stressed that there was no one national model, but that different countries had attempted to address the issue in different ways, some adopting very complex tests designed to meet their particular national situation and to mesh with their existing legal system. The difficulties faced at the national level in addressing contract labour, in their view, would only be compounded if an attempt was made to regulate the matter at the international level. Since the treatment of contract labour arrangements had evolved differently in different countries, it was preferable for such arrangements to be determined at the national level.

35. The Employer Vice-Chairperson cautioned that international regulation would interfere with commercial arrangements and discourage the use of contract labour, thus denying workers and employers the benefits that flow from it. It would also increase costs to employers and cause confusion in collective bargaining arrangements. Contract labour comprised a myriad of possible situations, including instances where workers enjoy greater benefits than the permanent staff of the user enterprise. In the opinion of the Employer members, standard setting in this area was premature, inappropriate and would be impossible to implement at the national level. The key issue in their view remained the determination of whether a worker was an employee; if the person is found to be an employee, he or she should be protected accordingly. The Employer Vice-Chairperson stressed that his group did not endorse illegal, fraudulent or sham employment practices. Though not opposed to standard setting in principle, any standard needed to be relevant and capable of being ratified and implemented. They did oppose the creation of a third category of worker through standard setting.

36. The Worker Vice-Chairperson opposed the proposed amendment, rejecting the view that the subject was too complex to address. In the view of his group, the objectives of the Proposed Conclusions were not complex, and were supported by a broad knowledge base on this topic, grounded in research and practical experience. The Workers' group expressed their support for a minimum framework Convention, supplemented by a Recommendation, which would allow governments to address the issue in a variety of ways and which realistically could be ratified by many countries. The essential problem that the standards addressed was the existence of disguised and triangular employment relationships, the use of which had dramatically increased, threatening to undermine the very basis of labour legislation. He noted that many workers were losing existing protection, such as social security coverage, which in many cases had been provided due to the adoption of other international labour standards. If the ILO could not address in a framework Convention the problems of disguised and triangular arrangements, it would call into question the ability of the Organization to adapt to the changing world of work. He disagreed with the view that there was a lack of conceptual clarity, and asserted that the Office had captured the essence of the problem in the Proposed Conclusions. The Worker members were conscious of the concerns expressed by some members of the Committee regarding the risk of creating a third category of worker and some of the other definitional issues, and would be seeking alternatives in an effort to address these concerns and further the debate.

37. The Government members of Canada, Cyprus, India, Mauritius, the Netherlands (speaking on behalf of the Member States of the European Union), Peru, the United States and Venezuela opposed the proposed amendment. The Government member of India noted that many workers have only minimal, if any, protection. His Government strongly supported providing legal protection to those workers, and would support an international instrument, though he noted that in the federal system of India ratification would prove difficult. A number of Government members, including from Mauritius, the Netherlands (on behalf of the Member States of the European Union) and the United States, endorsed adopting an instrument on contract labour, though what form that instrument would take would depend on the outcome of the discussions. Put to a vote, the Employers' proposed amendment to delete Point 1 of the Proposed Conclusions was not adopted, as there were 4,092 votes cast in favour, 7,260 against and 44 abstentions (the quorum was 4,910).

38. The Government member of Malaysia introduced an amendment to replace the word "standards" by "instrument" in Point 1, explaining that this would result in more flexibility, making government compliance more feasible. As the proposed amendment was not seconded, it was not accepted. The Committee then adopted Point 1 without change.

Point 2

39. In the light of the decision taken by the Committee regarding the amendment that the Employer members had proposed to Point 1, they withdrew their amendment to delete Point 2, and expressed their support for the amendment submitted by the Government member of Malaysia to replace "these standards" by "the instrument" and delete "a Convention supplemented by". The Government member of Malaysia introduced the amendment, which was seconded by the Government member of Venezuela. He stated that his Government opposed the adoption of a Convention, but felt that a Recommendation could provide useful guidelines. The Employer Vice-Chairperson stated that though his group was opposed to the adoption of standards on this subject, given the decision of the Committee on Point 1, they would support the amendment.

40. The Worker Vice-Chairperson opposed the amendment, since his group was of the view that a Convention was necessary to ensure that contract labour is not used to deny workers their rights. By placing the item on the Conference agenda, the Governing Body had acknowledged the existence of problems in this area and the need to address them. He urged the Governments to support a Convention in principle at this stage of the deliberations, without necessarily making any final commitment regarding its adoption, in order to determine what the Committee was capable of achieving in this area. He suggested that, in the process of discussing and developing the Convention, issues would be further clarified and any difficulties could be overcome. The Workers' group was of the view that the process of elaborating a Convention in this important area was consistent with the goal of making the Organization more effective and credible. Credibility, he argued, could not be measured simply by the number of ratifications received, since many factors affect that process; however, credibility would be called into question if the Organization failed to adopt a standard to protect millions of workers. The Worker members were confident that the Committee could develop a Convention that would be acceptable to governments and capable of being ratified and implemented.

41. The Government members of Cyprus as well as the Netherlands (speaking on behalf of the Member States of the European Union) expressed their opposition to the proposed amendment. The Government member of Papua New Guinea spoke in support of the proposed amendment, given the complexity and grey areas of the subject. The Government member of Venezuela also favoured the proposed amendment. In response to the statement of the Workers' group, the Employer Vice-Chairperson stressed that the credibility of the ILO would not be measured by the number of Conventions it adopted, but rather by the relevance and utility of the standards. A Recommendation in this area would provide guidance to member States in a more flexible manner than a Convention. He recalled the Report of the Director-General calling for an upgrading of the status of Recommendations to allow them to stand on their own.

42. At the request of the Employer members, the proposed amendment was put to a record vote. The results of the vote were as follows: 4,840 votes in favour, 5,500 votes against and 528 abstentions (the quorum was 4,910).[2] The proposed amendment was, therefore, not adopted.

43. The Government member of Japan noted that the amendment submitted by his country was similar to the amendment of the Government member of Malaysia that had been defeated in the record vote. Given that the discussion on the amendment submitted by the Government member of Malaysia was also relevant to the amendment he was proposing, he withdrew the amendment, on the understanding that it could be considered to have been dealt with by the Committee in connection with the earlier proposed amendment. As no more amendments had been proposed to Point 2, the Committee adopted Point 2 without change.

B. Conclusions proposed with the view to a Convention

I. Preamble

Point 3

44. The Employer members withdrew their proposed amendment to delete Point 3. The Committee then considered an amendment submitted by the Government member of Malaysia to replace the words "new standards" by "a new instrument" and replace "ensuring that contract workers enjoy adequate protection" by "providing guidelines for the protection of contract workers". In the light of the Committee's decision to proceed with a Convention, the Government member of Malaysia proposed a subamendment to his amendment, the effect of which was to leave before the Committee only the second half of the proposed amendment regarding providing guidelines. The Government member of Malaysia explained that in his country a distinction was made between contracts of service, which give rise to an employment relationship, and contracts for services, which are entered into by self-employed workers. In order to take into account the variety of national laws and practices in this area and the differing needs, his Government was of the view that the proposed instrument should provide flexible guidelines. The Employer members seconded the subamendment, stating that they supported the rationale behind the subamendment, in particular, the importance of providing flexibility and avoiding prescriptive references in the Preamble.

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[2] The Employer members requested that the details of the record vote with respect to the Government members be included in the report. The results of the vote were as follows:

For: Australia, Belgium, Brazil, Cameroon, Indonesia, Japan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, New Zealand, Papua New Guinea, Russian Federation, Saudi Arabia, Thailand, United Arab Emirates.

Against: Austria, Belize, Canada, Chile, China, Cyprus, Denmark, Finland, Greece, India, Korea (Republic of), Lithuania, Luxembourg, Malta, Namibia, Netherlands, Norway, Panama, Peru, Poland, Portugal, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Syrian Arab Republic, Trinidad and Tobago, United Kingdom, United States, Venezuela, Zimbabwe.

Abstentions: Botswana, Côte d'Ivoire, Czech Republic, Germany, Hungary, Ireland, Lesotho, Mauritius, Pakistan, Switzerland, Tunisia. Uganda.

Absent: Algeria, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Colombia, Egypt, El Salvador, France, Gabon, Gambia, Guinea, Iran (Islamic Republic of), Israel, Italy, Jamaica, Kenya, Lebanon, Malawi, Mali, Mongolia, Nigeria, Oman, Philippines, Qatar, Romania, Seychelles, Sudan, Tanzania (United Republic of), Turkey, Uruguay.

45. As the Committee had agreed to proceed on the basis of the adoption of a Convention, the Worker Vice-Chairperson expressed the view that it would be inappropriate to speak in terms of "guidelines" in the Preamble. The Worker members therefore opposed the amendment. The Government members of the Netherlands (speaking on behalf of the Member States of the European Union) and Switzerland opposed the subamendment for the reasons given by the Worker Vice-Chairperson. The Government members of Mauritius, Papua New Guinea and Venezuela also opposed the subamendment. The Government member of Malaysia withdrew his proposed amendment, as subamended.

46. The Employer Vice-Chairperson introduced a proposed amendment to replace the words following "standards" by "which in accordance with national law and practice enable the determination of the employment status of those performing contract labour." He explained that this proposal should be considered in the light of his group's proposed amendment to Point 5. He recalled his earlier remarks that the key issue was not the definition of contract labour, but the availability of procedures for determining whether or not a worker is an employee, and the existence of remedies to ensure that those who are employees, regardless of the title they are given, are protected as such. The Worker Vice-Chairperson expressed his group's opposition to the proposed amendment on the ground that it did not recognize the existence of a problem, and did not address the issues of disguised and triangular relationships. Although the Government member of Mauritius supported the amendment in the interests of enhanced flexibility, a number of other Government members spoke out against the amendment. The Government member of Algeria opposed the amendment since, in the opinion of his Government, those working as contract labour should be protected, regardless of the nature of the contractual relationship involved. The Government member of the Netherlands, speaking on behalf of the Member States of the European Union, viewed the proposed amendment as a confirmation of the status quo, and therefore these Government members were opposed to it. The Government members of Canada, South Africa and Switzerland spoke against the amendment on the ground that the words sought to be incorporated were not appropriate for a Preamble to a Convention. The proposed amendment was also opposed by the Government member of Poland.

47. The Employer Vice-Chairperson proposed a subamendment to retain the original Office text and to add at the end of the sentence the words "and which in accordance with national law and practice enable the determination of the employment status of those performing contract labour." The Worker members maintained their opposition. Following comments from the Government member of Venezuela that the new text would complicate the issue, and from the Government member of Hungary who stated that determination of employment status was a means to the essential end of providing adequate protection for contract workers and not an objective in itself, the Employer members withdrew their amendment, as subamended.

48. The next amendment considered was presented by the Worker members, and proposed the deletion of the word "enjoy adequate protection" to be replaced by "are protected". While acknowledging that the word "adequate" is sometimes appropriate, in the context of the Preamble, qualifying the protection in this way was in their view inappropriate. The Employer members opposed the proposed amendment since the wording of the Office text of the Preamble was consistent with the wording in the body of the text. They also considered the concept of "adequacy" to be important, since it required protection to be sufficient in varying circumstances, and "protection" on its own was a vague and meaningless term. The Government member of the Netherlands, speaking on behalf of his own Government and the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, Portugal, Spain and Sweden, opposed the proposed amendment, as did the Government members of Papua New Guinea and the United States. The Worker members withdrew their proposed amendment.

49. The Employer Vice-Chairperson introduced an amendment to insert the phrase "and its contribution to employment growth and economic performance" after the words "contract labour". Two points had clearly emerged from Report VI(1): (i) that contract labour was increasing; and, (ii) that contract labour played a role in labour market flexibility, employment creation and economic performance. In the view of the Employer members, only the first of these points was reflected in the Preamble, and their amendment sought to give recognition to the second as well.

50. The Worker Vice-Chairperson considered that the proposed amendment would result in the objective of the Convention appearing to be to promote contract labour. Because the existing text had given them cause for concern in this regard, the Worker members had submitted other amendments to clarify that the aim of the Convention was to protect workers. He also maintained that the amendment under consideration was factually inaccurate, since contract labour often adversely affects economic growth, for example by reducing the purchasing power of workers. The Government members of Cyprus, Hungary, India, the Netherlands (speaking on behalf of the Member States of the European Union), Poland and South Africa expressed their opposition to the proposed amendment. The Government member of Cyprus stated that the Preamble should be kept as simple as possible. The Government members of India, Poland and South Africa were of the view that the amendment would lead to misunderstandings, since the objective of the instrument should be to protect workers. The opposition of the Government member of Hungary was based on the view that workers should be protected adequately irrespective of the impact of a particular form of employment on employment growth and economic performance.

51. The Employer Vice-Chairperson withdrew his group's proposed amendment given the lack of support from Government members. However, he expressed disappointment with the arguments, noting that the amendment did not involve the removal of protection. Contract labour, in the view of the Employers' group, could not undermine economic growth, and should be recognized as an essential part of labour market flexibility.

52. An amendment proposed by the Worker members was then placed before the Committee to add the following sentence to the Preamble: "The Preamble should note that many protections afforded workers are founded upon a recognized employment relationship and that an increasing amount of work is being performed outside of regular employment relationships where protections either do not apply or are not applied in practice." The Worker Vice-Chairperson explained that the purpose of the proposed amendment was to protect workers on the basis of the employment relationship and to prevent the erosion of that relationship. The Employer members opposed the amendment on the basis that it sought to introduce substantive issues and it was argumentative; therefore, it would be inappropriate to include it in the Preamble. The Government member of Hungary agreed that the amendment was seeking to introduce substantive issues; he also opposed the amendment, as did the Government member of the United States, since it could give rise to confusion. Expressing the desire to keep the Preamble simple, the Government member of the Netherlands, speaking on behalf of the Member States of the European Union, also opposed the amendment. The Worker members withdrew the proposed amendment.

53. The Worker Vice-Chairperson introduced another amendment, adding the following phrase to Point 3: "The Preamble should state that the proposed instrument does not seek to establish a new category of worker but to extend protection to workers performing contract labour regardless of their status." The Worker Vice-Chairperson confirmed that this amendment had been put forward to address the concern expressed by members of the Committee that a new category of workers was being created, and to make it clear that this was not the intention of the instrument. The Employer Vice-Chairperson opposed the amendment, stating that, if the Worker members were successful in achieving their objectives, a new category of worker would be established, and this amendment evidenced the uneasiness of the Worker members on this point. In addition, in the view of the Employer members, the amendment was not appropriate for inclusion in the Preamble since it sought to qualify what might be included in the text as a result of subsequent discussions. The Government member of Hungary joined the Employer members in opposing the amendment on the ground that it was not appropriate for a Preamble, and adding the phrase "regardless of their legal status" would give rise to considerable difficulties. The Government member of the United States endorsed the comments of the Government member of Hungary. The Worker members withdrew their proposed amendment.

54. In introducing an amendment to add the words "The Preamble should reaffirm the continuing relevance of the employment relationship to protecting workers", the Worker Vice-Chairperson stated that the aim was to reaffirm the relevance of the employment relationship for protecting workers, and to underline that the ILO needed to defend that relationship. The amendment was opposed by the Employer members on the grounds that it was not appropriate for inclusion in the Preamble and it sought to establish a platform for debate. Moreover, in their view, the amendment was inconsistent with the amendments of the Worker members proposed to subsequent points, which were not founded on the existence of an employment relationship. The proposed amendment was also opposed by the

Government members of Cyprus, the Netherlands (on behalf of the Member States of the European Union), Poland and Switzerland. The Government member of Cyprus repeated his Government's position that the Preamble should be kept simple, and the Government member of the United States stated that the language of the Preamble as proposed by the Office was sufficient. The Government member of Switzerland opposed the amendment, stating that it was not appropriate to attempt to identify various employment categories in the Preamble; the essential aim was to ensure as many workers as possible would be protected. The Worker members withdrew their amendment. The Committee then adopted Point 3 without change.

II. Methods of application

Point 4

55. An amendment proposing the deletion of Point 4 was withdrawn by its sponsor, the Employer members. The Government member of Malaysia also withdrew his proposed amendment involving the replacement of the word "Convention" with "Recommendation" and the replacement of the phrase beginning "laws or regulations" by "collective agreements or by any other means [that] Members consider appropriate after consultation with the most representative organizations of employers and workers." The Committee then moved on to consider an amendment submitted by the Member States of the European Union to replace each use of the word "or" in the second line of Point 4 with "and/or". The Government member of the Netherlands, speaking on behalf of the Member States of the European Union, expressed the view that the amendment would give greater flexibility to use the various means available in applying the Convention. The Employer Vice-Chairperson stated that the proposed amendment did not appear to affect the text. He requested the Office to advise the Committee as to the effect of the proposed amendment. The deputy representative of the Secretary-General confirmed that the Office text of Point 4 used standard language for proposed Conventions, and that its purpose was to allow maximum flexibility in the means of application. In the light of this clarification, the Government member of the Netherlands, on behalf of the proposers of the amendment, withdrew the amendment.

56. The final amendment proposed to Point 4 was introduced by the Government member of the Netherlands, on behalf of the Member States of the European Union. He explained that they sought to substitute the word "implemented" for "applied" since in their view "implemented" was a more active term. The Employer Vice-Chairperson again expressed the view that his group did not see the need for the change. Following confirmation from the deputy representative of the Secretary-General that the term "applied" as used in the Office text was standard terminology, the Worker Vice-Chairperson stated that his group could not support the amendment. The Government member of the Netherlands, on behalf of the Member States of the European Union, withdrew the proposed amendment. The Committee then adopted Point 4 without change.

III. Definitions

Point 5

57. Having heard the advice of the Legal Adviser regarding possible ways of approaching the examination of those amendments to Point 5 that would most substantially alter the Office text, the Committee decided to invite the authors to introduce those amendments; the Committee would then proceed to an indicative vote to determine which amendment would be considered first.

58. The Government member of Venezuela submitted an amendment to delete the Office text and replace it with the following:

> For the purposes of the proposed Convention, the term "contract labour" should mean all work performed by a natural person, in conditions of dependency on or subordination to an "intermediary enterprise" which provides services to a "user enterprise", which services include the work of such natural person, under a contract of employment in accordance with national law and practice.

She explained that the intention of the proposal was to delineate clearly between commercial and employment relationships, and to ensure that a natural person providing work in conditions of dependency or subordination, regardless of for whom the services are provided, would be covered by the Convention. By way of example, she described the labour legislation in her country which obliges a user enterprise to ensure that an intermediary or subcontractor respects the rights of workers. In the interest of simplifying the discussion, the Government member of Venezuela withdrew her amendment, requesting that her concerns be kept in mind in the subsequent discussion.

59. An amendment was then introduced by the Government member of the United States to delete the Office text of Point 5 and replace it with the following: "For the purposes of the proposed Convention the term 'contract labour' should be defined as work carried out by a contract worker (as defined by the national law and practice in individual member States) for a natural or legal person." In the opinion of his Government, "contract worker" should be defined so as to clearly distinguish employees from bona fide independent contractors. He recalled that in the United States several factors are significant in making this determination, no single one being a controlling factor; in general, the test is whether, as a matter of economic reality, the individual is economically dependent on the business to which he or she renders service, or is, in fact, in business for himself or herself. He stressed that his Government believed that the determination of who is a contract worker should be set forth in national law, regulation and court decisions. The Government member of Switzerland seconded the proposed amendment on the grounds that it provided reasonable latitude for governments to establish criteria to determine who is an employee and an independent contractor, and avoided creating a third category. The Government member of Japan also expressed his support for the amendment for the reasons put forward by the Government member of Switzerland.

60. The next amendment was introduced by the Government member of Finland, on behalf of the Member States of the European Union. Their amendment sought to delete Point 5 and replace it with the following text:

For the purposes of the proposed Convention the term "contract labour" should mean work performed for a natural or legal person (referred to as a "user enterprise") by a person (referred to as a "contract worker") under the following circumstances:

(a) the contractual arrangement, if there is one between the worker and the user enterprise, requires the work to be performed by the worker personally;

(b) the work is done under actual conditions of the worker's dependency on or subordination to the user enterprise, where these conditions are similar to those that characterize an employment relationship under national law and practice; and

(c) the worker may be provided for the user enterprise by a subcontractor or an intermediary.

61. This proposal, explained the Government member of Finland, was largely based on an acceptance of the rationale behind the Office text, recognizing that protection should be provided in many bilateral and triangular employment relationships falling outside the scope of traditional labour law. However, in their view, the Office text was perhaps too concise to express with adequate precision all the situations that the instrument intended to cover. He noted that in drafting this amendment, the Member States of the European Union tried to take into consideration various concerns expressed in the Committee: first, the definition was formulated in the amendment so that it would not be necessary for a member State to introduce a third "in-between" category of workers, unless an individual State chose to do so in transposing the conditions of dependency set out in the proposed Recommendation. Second, the amendment emphasized that it is the worker's and not, for instance, the subcontractor's dependency that is decisive for the application of the Convention, as dependency between commercial partners is irrelevant for the purposes of the Convention. Third, he stated that it seemed appropriate to require a contract worker to perform work personally since, otherwise, the worker would not be in a clearly dependent or subordinate position. Finally, clause (c) of the proposed amendment attempted to clarify that the Convention was applicable to triangular relationships. These clarifications were necessary, in the view of the authors of the amendment, for a proper understanding of the subsequent provisions of the proposed instruments.

62. The Employer Vice-Chairperson requested clarification on the amendment proposed by the Member States of the European Union, in particular the applicability of clause (a) where no contractual arrangement existed between the worker and the user enterprise, and whether the three conditions enumerated in the amendment were cumulative or alternative. On behalf of the Member States of the European Union, the Government member of Finland clarified that it was not necessary for all three conditions to be present simultaneously: clauses (a) and (b) needed to be present to define a bilateral relationship, and (c) would be significant only in the context of a triangular relationship.

63. The Employer members put forward their amendment to delete Point 5 and replace it with —

In accordance with national law and practice, procedures should be established which will allow the determination as to whether an employment relationship exists. Such procedures should be accessible and based on objective criteria which enable the clear differentiation between commercial and employment relationships. Where an employment relationship is found to exist, the procedures should enable the identity of the employer to be determined so as to ensure the assumption by the employers of their obligations.

The Employer Vice-Chairperson characterized the amendment as complementary to, but going a step further than, the amendment under Point 5 proposed by the Government member of the United States. He recalled the position of the Employers' group that the critical issue that needed to be addressed was to determine if an employment relationship existed, and, if so, to ensure that the worker is provided with all the privileges and benefits normally accruing to an employee. He contended that it was incorrect to begin by attempting to define a contract worker and a user enterprise, and then grappling with all the inherent complexities. Their amendment, he stated, sought to mandate that in every country that ratifies the Convention (i) there should be accessible and clear procedures to enable a clear distinction to be made between employment and commercial relationships; (ii) if an employment relationship is found to exist, all the attendant responsibilities should be assumed by the employer; and (iii) the procedures should ensure that the identity of the employer could be determined. The amendment would also, in their view, avoid the confusion of determining who was the user enterprise and avoid creating a third category of worker. Many of the proposals before the Committee, he maintained, would perpetuate such a third category.

64. A further amendment submitted by the Employer members, to change the title of Point 5 from "Definitions" to "Procedures", was presented by the Employer Vice-Chairperson. He explained that the amendment was a corollary to the previous amendment, to establish the proper textual base for that amendment and essentially raised a drafting question rather than a substantive one. He then withdrew another amendment of the Employer members which had sought to delete Point 5.

65. On the basis of an indicative vote on the question of which of the amendments introduced on Point 5 the Committee should proceed with first, the amendment presented by the Member States of the European Union to replace the text was given priority and the discussion was opened on that amendment. The Employer members expressed the view that the amendment suffered from the deficiency of creating a third category and providing uncertainty regarding what is to be considered the user enterprise; however, it did have the advantage of introducing the notion that work had to be performed personally by the worker. The Employer members did not support the definition proposed in this amendment.

66. The Worker members submitted a subamendment to the amendment proposed by the Member States of the European Union so that it would read as follows:

> For the purposes of the proposed Convention the term "contract labour" should mean work performed for a natural or legal person (referred to as a "user enterprise") by a person (referred to as a "contract worker") under the following circumstances:
>
> (a) the work is done under actual conditions of the worker's dependency on or subordination to the user enterprise, where these conditions are similar to those that characterize an employment relationship under national law and practice; and either
>
> (b) pursuant to a direct contractual relationship between the worker and the user enterprise, the work is performed by the worker personally; or
>
> (c) the worker is provided for the user enterprise by a subcontractor or an intermediary.

67. The Worker Vice-Chairperson explained that the purpose of the subamendment was to clarify that all three conditions did not have to be present simultaneously, and would distinguish between those required in the case of a

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bilateral relationship (including the need for the work to be done personally by the worker) and a triangular one. The Government member of Finland, speaking on behalf of the Member States of the European Union, commented that the subamendment included the elements of importance to the countries of the European Union, while also improving upon their proposed amendment. They, therefore, supported the subamendment, and the Government members of Italy, Norway, South Africa and Switzerland also spoke in favour of it. The Government member of Spain, supported by the Government member of South Africa, suggested that the Drafting Committee might want to reconsider the appropriate presentation of the clauses, since they did not all have the same value.

68. In response to the Worker members' subamendment, the Employer Vice-Chairperson stated that the Committee should contemplate the effect of the proposal, since a number of possible combinations were being proposed, cutting across situations where there is a clear employment relationship between the worker and the subcontractor or intermediary, and it would thus interfere with commercial relationships. He also expressed his group's continuing concern regarding the difficulties in translating the word "subcontractor". In an attempt to address these concerns, the Employer members proposed an amendment to the Worker members' subamendment, to add at the end of clause (c) the words "and there is no employment relationship between the worker and the subcontractor or intermediary." The Employer Vice-Chairperson emphasized that his group was adamant that normal, everyday commercial relationships should not be covered by the instrument, and that the Committee must avoid the creation of nebulous relationships that would inevitably result from the establishment of an "in-between" category.

69. The Worker members were not in agreement with this amendment to their subamendment, recalling their view that two distinct problems needed to be addressed: disguised relationships and triangular relationships. The addition proposed by the Employer members would, in the view of the Workers' group, take into account only the former, leaving no protection in the case of triangular relationships. The Worker Vice-Chairperson noted that employees of subcontractors often need protection with respect to the user enterprise, for example, regarding health and safety matters or hours of work beyond the statutory limits. Also, provision was needed ensuring joint and several liability for unpaid wages. The Government members of Italy and the Netherlands (on behalf of the Member States of the European Union) stated that they could not support the Employer members' amendment to the Worker members' subamendment.

70. In response to a request for clarification from the Government member of Cyprus, the representative of the Secretary-General confirmed that Point 5 of the Office text acknowledges the existence of a category of workers, whom it defines as "contract workers", who work for an enterprise (the "user enterprise") without a contract of employment with the latter. Thus, workers in this grey zone, who do not enjoy the protection afforded by labour law, do already exist in the labour market. He went on to suggest that the question to be asked was not whether or not the Proposed Conclusions would lead to the creation of a new category of workers, but rather whether they would eliminate this grey zone of workers or maintain them by affording workers in this category more limited protection than that normally provided to those working under a contract of employment. Whether the category was maintained or eliminated depended, in the view of the Office, on the relative scope of protection to be afforded to contract workers under Part V of the proposed Convention: if protection is provided to contract workers that is substantially the same as that provided by labour law to workers under a contract of employment, it could be said to be aimed at the elimination of a third category of workers; otherwise, the Proposed Conclusions would lead to the recognition of the existence of a third category.

71. The Employer Vice-Chairperson reiterated that their amendment to the Worker members' subamendment aimed to eliminate the third category of worker. The Office explanation did not, in the view of the Government member of Italy, clarify the original amendment proposed by the Member States of the European Union. While understanding the reasoning behind the further amendment proposed by the Employer members, her Government could not support it. Similarly, the Government member of Switzerland expressed her understanding of the rationale for the Employer members' amendment to the Worker members' subamendment, but could not support it, as it would reduce the scope of the instrument to merely bilateral arrangements. She stated that in the opinion of her Government, no intention to create a new category of worker was being proposed, since this category already exists. The task of the Committee, she advanced, was to define this category and to find appropriate solutions that would keep pace with future developments and would take into account transborder differences. The Government member of the Netherlands, on behalf of the Member States of the European Union, supported the view that their amendment as subamended by the Worker members did not introduce a new third category, but proposed a definition based on an existing factual situation. He suggested that any exclusions from this definition be enumerated in Point 6 of the Proposed Conclusions.

72. Further support for the subamendment proposed by the Worker members, excluding the further amendment of the Employer members, was expressed by the Government members of Guinea and Trinidad and Tobago, though the latter qualified her Government's support by suggesting that the words in the Office text, "other than a contract of employment" could usefully be included in clause (b) of the subamendment. The Government member of Guinea viewed the subamendment as being consistent with the realities of developing countries. The Government member of Peru described the types of contracts, particularly bilateral arrangements, common in South American countries, and urged the Committee to keep in mind the possible future directions that contractual arrangements might follow. The Employer Vice-Chairperson conceded that his group accepted the concerns expressed regarding disguised employment relations, but that they did not view the triangular relationship as a problem area, except to the extent that a determination needed to be made of who was the actual employer. Regarding health and safety laws, he noted that these would be applicable regardless of the existence of an employment relationship because of rules applicable to owner/occupiers. On a vote, the amendment proposed by the Employer members to the Worker members' subamendment was defeated. With a quorum of 4,788, 4,032 votes were cast in favour, 5,628 against, with 630 abstentions.

73. A further amendment to the Worker members' subamendment was then submitted by the Government member of Japan, and seconded by the Government member of Australia, to change the words "similar to" to "substantially the same as" in clause (a). The concern addressed in this amendment to the subamendment, according to the Government member of Japan, was to avoid the creation of a third category of worker. The Employer members supported the reservations expressed by the Government member of Japan, but suggested that the intentions could be more clearly expressed by deleting the word "substantially", which they put forward as a further amendment. The Government member of Japan, supported by the Government member of South Africa, opposed this further amendment on the ground that the provision would thereby be rendered devoid of meaning, since it would exclude from the scope of protection those outside the traditional employment relationship. A number of other Government representatives, including from Hungary, Namibia, the Netherlands (on behalf of the Member States of the European Union) and Switzerland, also expressed their opposition to this further amendment proposed by the Employer members. The Employer members withdrew their further amendment. As little support for the amendment proposed by the Japanese Government to the Worker members' subamendment was expressed in an indicative vote, the Government member of Japan withdrew this amendment.

74. A further amendment was submitted to the subamendment of the Worker members. The Government member of Uruguay proposed adding to clause (b) the qualifying language "other than a contract of employment", found in the original Office text, in order to more clearly distinguish between bilateral and triangular relationships. This proposal was seconded by the Government member of Hungary and supported by the Government members of Panama and Papua New Guinea. However, opposition to the proposal was expressed by the Government members of Austria, Italy (on behalf of the Member States of the European Union), Spain and the United States, as well as the Worker and Employer members. The Government member of Uruguay withdrew his amendment to the Worker members' subamendment.

75. The Committee was then invited to vote on the subamendment proposed by the Worker members to the amendment of the Member States of the European Union. The Legal Adviser informed the Committee that as the subamendment sought to replace the text of Point 5, as a consequence all other amendments to Point 5 would fall, with the exception of those seeking to add a new point after Point 5. The subamendment of the Worker members to Point 5 was carried by a vote of 5,418 in favour, 4,116 against, with 672 abstentions. The quorum was 4,788. The Chairperson noted that since the subamendment had been endorsed by the authors of the original amendment, the Member States of the European Union, that amendment would not be considered further. The Committee adopted Point 5 as amended.

New points proposed

76. The next amendment considered by the Committee was submitted by the Worker members and proposed the addition of a new point to follow Point 5: "The term "subcontractor" should mean a natural or legal person who performs work or provides services for a user enterprise under a contractual arrangement other than a contract of employment." The Worker Vice-Chairperson recalled that the definition of "contract labour", as adopted by the Committee, now included the term "subcontractor" and therefore it would be logical to include a definition of that term as well. He also noted that a definition of "subcontractor" could be found in the proposed Recommendation. The Employer Vice-Chairperson expressed his group's opposition to the amendment, and reiterated their objection to any use of the term "subcontractor" in the text. He also drew the attention of the Committee to the fact that the amendment proposed by the Worker members adopted a different definition of "subcontractor" to that found in the proposed Recommendation. The Government member of the Netherlands, speaking on behalf of the Member States of the European Union, supported the inclusion of a definition of "subcontractor" in the proposed amendment for the reasons put forward by the Worker members, but preferred the wording in the Office text of the proposed Recommendation (Point 16(2)). The Government member of Austria then proposed the following subamendment with a view to ensuring consistency between the definitions in the proposed Convention and Recommendation: "the term "subcontractor" should mean a natural or legal person who performs work for a user enterprise under a contractual arrangement with it, other than a contract of employment". The subamendment was seconded by the Government member of Denmark, and supported by the Government members of France, Switzerland and the United States. The Government member of France stressed the importance of ensuring consistency in definitions, and characterized the role of a Recommendation as providing guidance with respect to the means of implementing a Convention and not to clarify definitions. The Employer members disagreed with this view, and contended that the definition could appropriately be placed in the Recommendation only. In the light of the government support that had been evidenced, the Worker members indicated that they would vote in favour of the subamendment. Put to a vote, the subamendment proposed by the Government member of Austria to the amendment of the Worker members was adopted. The results of the vote were as follows: 5,586 votes in favour, 4,032 against, with 294 abstentions. The quorum was 4,788. The additional point proposed by the amendment, as subamended, was adopted by the Committee.

77. A further addition to Point 5 was proposed by the Worker members in an amendment to add the following definition of "labour subcontractor": "The term 'labour subcontractor' should mean a natural or legal person who supplies workers for a user enterprise under a contractual arrangement other than a contract of employment." However, before presenting this amendment, the Worker Vice-Chairperson requested that it be discussed in the context of Point 16, since the need for the definition would be clearer at that time, and consistency could be assured with any definition of this term adopted in the proposed Recommendation. The Employer members opposed any postponement of the discussion on the basis that amendments related to Point 5 were before the Committee and should be dealt with, otherwise the Committee would be hindered in dealing with the remaining provisions of the text. The Government member of South Africa opposed the amendment and the deferral of its consideration, on the ground that the definition proposed was not necessary for the Convention. The Worker members withdrew their amendment.

78. Another point to follow Point 5 was proposed by the Worker members:

> The term "intermediary" should mean any person (whether established, legitimate, solvent or not) who engages workers with no employment relationship formally established to have work performed or services provided for the benefit of, or on behalf of, or under the

supervision or control of or with the resources provided (in main or in part) by, a user enterprise.

In his introduction to the amendment, the Worker Vice-Chairperson stated that there is value in distinguishing between subcontracting and labour-only subcontracting, as well as distinguishing between legitimate, solvent businesses and fly-by-night operators. A primary objective of establishing such distinctions, he explained, was to provide guidance in determining the obligations of the employer, since, for example, it would be inappropriate to assign obligations to illegitimate or insolvent businesses. In response, the Employer Vice-Chairperson asserted the opposition of his group to the inclusion of a definition of "intermediary" in either the proposed Convention or Recommendation. They did not accept the argument as to the need for such a definition in the context of designating responsibilities, since the proposed instruments did not assign obligations to intermediaries. The Employer Vice-Chairperson noted that the proposed amendment sought to define "intermediary" in a complex manner, substantially diverging from the definition found in paragraph (3) of Point 16. The amendment introduced a number of concepts, the need for which was not evident to the Employer members.

79. The Government member of South Africa spoke in favour of the amendment to the extent that she supported the idea of having a definition of "intermediary" set out in the Convention. However, she suggested that the definition in Point 16(3) of the Office text might be more appropriate for inclusion in the proposed Convention, leaving issues such as the solvency of the enterprise to the Recommendation. She thus proposed a subamendment to the Worker members' amendment to read as follows: "The term "intermediary" should mean a natural or legal person who makes contract workers available to a user enterprise without becoming formally the employer of these workers." The subamendment was seconded by the Government member of the Netherlands, speaking on behalf of the Member States of the European Union. Further support for the subamendment was expressed by the Worker members and the Government members of Switzerland and the United States. Opposition was voiced by the Employer members and the Government member of China, the latter on the basis that there is very little recourse to contract labour through intermediaries in China. The Worker members' amendment, as subamended by the Government member of South Africa, was adopted pursuant to a vote. With a quorum of 15,321, 16,359 votes were cast in favour, 11,989 against, and there were 931 abstentions. The new point following Point 5 was thus declared to have been adopted as subamended.

80. Having concluded the discussions regarding important definitional points, the Employer members sought to make clear their position at this stage of the Committee's deliberations. The Employer Vice-Chairperson recalled that from the beginning his group had been opposed to the adoption of instruments on contract labour, and he regretted that they had not been successful in convincing the Committee of their reasoning. He then reviewed the motivation for some of the amendments that his group had proposed, in particular the need to acknowledge the importance of contract labour to employment and economic growth, to distinguish between commercial and employment relationships, and to ensure that an instrument was not adopted that would jeopardize the use of contract labour. The Employers' group expressed concern that the Committee was moving toward restricting the use of contract labour which, in their view, would be fundamentally opposed to national economic interests, and thus they would continue to oppose such an approach. Regarding the definition of "contract labour" adopted by the Committee, the inclusion of the words "subcontractor" and "intermediary", which were not in the original Office text of the proposed Convention, not only perpetuated the problems of the Office text but added to the confusion. The Employer Vice-Chairperson stated that the text adopted by the Committee ignored the distinction between employment and commercial relationships, and as a result would have a negative impact on employment. He appealed to Government members to consider the implications that the adoption of such an instrument would have on economic activity, and not to support a proposed instrument that they had no intention of ratifying. He also stressed that it was not in the best interests of workers, employers, governments or the ILO to have unsuitable instruments which obtain very few ratifications.

81. In response to the statement of the Employer members, the Worker Vice-Chairperson agreed that a distinction needed to be made between commercial and employment relationships. He stressed that the primary aim of the proposed Convention and Recommendation was to protect workers, and thus economic arguments were not appropriate. The Government member of Italy called on all the Committee members to continue with an open and flexible discussion. She underlined the possible benefits of a Convention on contract labour for employers, as it would provide an international framework for dealing with these types of arrangements.

IV. Scope

Point 6

82. The Employer members withdrew their amendment proposing to delete Point 6 and went on to introduce an amendment to delete the words "and to all contract workers" in Point 6. The Employer Vice-Chairperson explained that the intention of the amendment was to simplify the text, since, once reference was made to "all branches of activity", it did not seem necessary to then refer to "all contract workers". The Worker Vice-Chairperson replied that his group could not support the amendment since the purpose of the proposed instrument was to protect contract workers and the Office text of Point 6 made this objective clear. The Government member of the Netherlands, speaking on behalf of the Member States of the European Union, opposed the amendment on the ground that the scope of the Convention should first be expressed in broad terms, with exceptions being more appropriately dealt with later in the text, for instance under Point 7. The Government member of the United States also favoured the Office text over the amended version. On an indicative vote of Government members, the amendment of the Employer members was not supported.

83. The Employer members then introduced an amendment to insert after the first sentence of Point 6 the words "It should not apply to workers who in accordance with national law and practice have a recognized employment relationship." The Employer Vice-Chairperson stated that the amendment sought to clarify that the Convention would not apply where there was a recognized, legal, formally established employment relationship, and avoid any confusion that might lead to the absurdity of formal employment relationships being overridden, resulting in a worker being assigned intermediate status.

84. The Worker Vice-Chairperson voiced his group's opposition to the amendment, stating that it would exclude those workers who are under the control of persons other than the employer. The Government member of the Netherlands, speaking on behalf of his own country, suggested that the words "recognized contract of employment" be used instead of "recognized employment relationship". The Government member of South Africa also suggested that different wording might be considered, in particular using "formal or" before "recognized" and adding "with the user enterprise" to the end of the sentence. The Employer Vice-Chairperson explained that the term "employment relationship" had been proposed for the sake of consistency, but that the intention was to refer to a contract of employment; his group agreed to subamend their amendment to use the words "recognized contract of employment". The suggestion of the Government member of South Africa to add the words "with the user enterprise" was not acceptable to the Employer members since it would undermine the intentions of their amendment.

85. In the discussion that followed on the Employer members' amendment as subamended by them, the Government members of Canada, Denmark, Germany and the United States expressed their support on the ground that it was appropriate to exclude from the scope of the Convention those who are already protected through the existence of an employment relationship. The Government member of Canada advocated that since a distinction between workers with regular employment contracts and those without had not been made under Point 5, it needed to be clearly stated in Point 6. He went on to note that the rationale for excluding those employed by private employment agencies had to be that they were already employees; therefore, logically, the exclusion should be extended to all those with a real contract of employment. The Government members of Greece and Venezuela voiced their opposition to the subamendment, while the Government member of Italy stated that her Government favoured the original amendment over the subamended version. The Government member of Venezuela considered that the original amendment and the proposed subamendment distorted the substantive legal purpose of the text. The Government member of Greece was of the view that the effect of the subamendment could be to exclude contract workers from the scope of the Convention.

86. Taking up the suggestion of the Government member of South Africa, the Worker members proposed a further subamendment to the Employer members' amendment so that it would read "It should not apply to workers who in accordance with national law and practice have a recognized contract of employment with the user enterprise". This subamendment was proposed because the Workers' group was of the view that the amendment of the Employer members removed workers in a triangular relationship from the scope of the protection. The Worker Vice-Chairperson explained that in a triangular relationship there would often be a nominal employer who was unable to fulfil the obligations of an employer. Even where there was an employment relationship with a subcontractor, the worker was not always adequately protected. He noted that although many European countries had regulated such relationships, many other countries had not. The Employer Vice-Chairperson expressed his group's total opposition to the

Worker members' proposal since they considered that it destroyed the intention of the Employer members' amendment. He reiterated that his group did not condone illegal or fraudulent arrangements seeking to deny workers their rights; however, where a contract of employment exists, the protection emanates from that relationship. Confusion would ensue, he stated, were the exception restricted to contracts of employment with the user enterprise.

87. A further subamendment to the Employer members' amendment to Point 6 was moved by the Government member of Switzerland, and endorsed by the Employer members. She explained that her Government shared the Employer members' concerns, but considered they could be addressed more clearly as follows: "It should not apply to workers who are employed on the basis of a contract of employment recognized by national law and practice and concluded either with the subcontractor or the user enterprise." She advocated that this formulation was more specific and gave recognition to national law and practice so that, in the case of cross-border employment, States in which the work was carried out could take appropriate action if adequate protection was not provided. The Government member of South Africa supported the Worker members' proposal, noting that often the worst abuses occur between subcontractors and workers. The Government member of Finland stated that his Government could support neither the original amendment nor any of the subamendments thereto. A similar view was expressed by the Government members of Austria, Chile, Italy, Portugal and Venezuela. The Government member of Chile stressed that the main objective of the instrument was to protect all workers in the field of contract labour, and thus should not exclude a person merely because he or she has a contract of employment with a subcontractor.

88. Further support for the amendment as subamended by the Employer members, in the light of the introduction of the further subamendment of the Worker members, was expressed by the Government members of France, Germany and the United States. The Government member of France stressed the need for clarity regarding the scope of the instrument, so that it would be understood that the objective of the instrument was to protect those in irregular employment situations and not those already benefiting from the protection of a contract of employment. He stated that to include workers covered by contracts of employment would create a third category. Though not taking a position on the various proposals before the Committee, the Government member of Cyprus suggested that providing overlapping protection for workers was preferable to risking excluding certain workers in need of protection.

89. The subamendment proposed by the Government member of Switzerland and that proposed by the Worker members were voted in opposition to each other before a formal vote was taken, since the two proposals were mutually exclusive. As a result of the affirmative vote on which of the two was preferred as a basis for a decision, the Worker members' amendment to the Employer members' subamendment was put forward for a formal vote. On the formal vote, the Worker members' proposal received 14,364 votes in favour, 13,965 against, and 2,394 abstentions (the quorum was 15,321). At the request of the Employer members, pursuant to Article 65 (7) and (8) of the Standing Orders, a record vote on the same proposal was held, the results of which were as follows: 14,630 votes in favour, 14,231 against, with 3,458 abstentions (the quorum was 15,321).[3] As a result, the amendment of the Worker members to the Employer members' subamendment was adopted.

90. Following the results of the vote, the Employer members expressed their regret that such a fundamental principle should have been decided on the slimmest possible majority, in particular with such weak support from Government members and with so many Government members absent. The Employer members recalled that when the Committee had commenced its work, they had opposed the adoption of instruments on contract labour, having foreseen various difficulties. However, they had agreed to explore the possibility of arriving at a shared understanding for future action, though they felt that it was becoming increasingly unlikely that such an understanding could be reached. The Employer members noted that the International Labour Organization functions because of the belief of its constituents in tripartism, and tripartism needed to be applied throughout the Organization, including in the functioning of Conference committees. However, the Employers' group felt that they had not witnessed genuine tripartism in this Committee, noting that repeatedly about 50 per cent of Governments that had sought representation in the Committee failed to take a position in the voting on key points by being absent and about 50 per cent of the remainder abstaining. The points were therefore being determined by a small number of Governments and by small majorities. Instruments based on such a process could not be considered consensus-based and would have limited prospects for ratification and effective implementation. Instead of tripartism, the Employers' group felt that the process had become one of bipartism, to the exclusion of the Employer members whose proposals were consistently being voted down. They expressed disappointment that, since governments were also employers and were increasingly contracting out for the provision of services, the Governments had not recognized the significance of the points the Employer members were putting forward. The Employers' members concluded by underlining that their group's position was becoming increasingly difficult.

91. The discussion on Point 6 then recommenced with the introduction of an amendment by the Worker members to delete the second sentence of Point 6 excluding employees of private employment agencies from the scope of the Convention. The Worker members quoted from Report VI(1) to illustrate that temporary work agencies should be considered as a specific type of contract labour requiring protection and regulation. While agreeing with the Office report that it was necessary to prevent as far as possible any contradiction between the revision of Convention No. 96 and a possible instrument on contract labour, the Worker members saw this as part of the normal process of avoiding contradictions between any ILO instruments. Overlapping coverage of instruments was not a concern, since often groups of workers are covered by a number of Conventions. They stressed that the purpose of the revision of Convention No. 96 was to deal with the organization of the labour market and the division of labour between public and private employment agencies, whereas the proposed instruments on contract labour had as their objective the protection of individual workers. If a country did not ratify both the Convention revising Convention No. 96 and an eventual contract labour Convention, a situation could result, should the Worker members' amendment not be adopted, where a member State would have to provide protection to all contract workers, except those employed by private employment agencies. They concluded by stating that, when dealing with private employment agencies, a triangular relationship was at issue in which the worker needed protection vis-à-vis not only the legal employer but also the user enterprise.

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[3] The Employer members requested that the details of the record vote with respect to the Government members be included in the report. The results of the vote were as follows:

For: Austria, Belgium, Belize, Finland, Greece, India, Italy, Malaysia, Malta, Portugal, South Africa, Syrian Arab Republic, Trinidad and Tobago, Zimbabwe.

Against: Australia, Botswana, France, Gabon, Germany, Ireland, Japan, Kuwait, New Zealand, Qatar, United Kingdom.

Abstentions: Brazil, Canada, Chile, China, Cyprus, Czech Republic, Denmark, Ecuador, Indonesia, Korea (Republic of), Libyan Arab Jamahiriya, Morocco, Namibia, Netherlands, Norway, Papua New Guinea, Poland, Russian Federation, Saudi Arabia, Seychelles, Slovakia, Sweden, Switzerland, United States.

Absent: Algeria, Argentina, Bahrain, Bangladesh, Benin, Bolivia, Cameroon, Côte d'Ivoire, Egypt, El Salvador, Gambia, Guinea, Hungary, Iran (Islamic Republic of), Israel, Jamaica, Kenya, Lebanon, Lesotho, Lithuania, Luxembourg, Malawi, Mali, Mauritius, Mexico, Mongolia, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Romania, Spain, Sri Lanka, Sudan, Suriname, Tanzania (United Republic of), Thailand, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

92. The Employer members strongly opposed the amendment, emphasizing that the Office text referred to *employees* of private employment agencies, and noted that their group's comments on the previous amendment were also relevant in this regard. Their group considered it inappropriate to suggest that employees of private employment agencies should be treated as quasi-employees of the user enterprise, and objected to the interference this would entail with commercial and employment relationships. They drew attention to the proposed text of the revision of Convention No. 96 which provides protection for workers, including with respect to personal data, freedom of association, collective bargaining and training. The workers covered under Convention No. 96 would enjoy the contractual protection of their employment status and statutory protection, apart from any special protection afforded due to the Convention; therefore, it would be counterproductive and inappropriate, according to the Employer members, to include them within the scope of an instrument on contract labour. A number of Government members, including the Government members of Australia, Canada, China, Denmark, France, Germany, Japan, Norway, Papua New Guinea, Peru, Spain, Switzerland and the United States, also opposed the Worker members' amendment.

93. Support for the Worker members' amendment was manifested by the Government member of Italy who cautioned that since the final text of the revision to Convention No. 96 was not yet known, private employment agencies should not be dealt with in the context of the Committee on Contract Labour. She expressed a further concern that the Office text seemed to create a third category which needed to be avoided. The Government member of Austria also spoke in favour of the amendment on the ground that the two proposed Conventions at issue had different objectives: the revision to Convention No. 96 concerned licensing, while contract labour focused on protection. An indicative vote was held on the Worker members' amendment to Point 6, as a result of which the Worker members withdrew their amendment.

94. The final amendment to Point 6 was presented by the Government member of Japan, to add the words "homeworkers or" after the words "should not apply to". He explained that pursuant to the definition of "contract labour" adopted by the Committee in Point 5, homeworkers would be included. Given that the Home Work Convention, 1996 (No. 177), and Recommendation, 1996 (No. 184), specifically address the problems of these workers, his Government believed it was appropriate to exclude them from the scope of the proposed Convention on contract labour. The amendment was seconded by the Government member of Austria, speaking on behalf of the Government members of France, Germany and Ireland, and subamended to read: "homeworkers, as defined in the Home Work Convention, 1996 (No. 177) or". The Government member of Japan supported the subamendment as did the Government member of Hungary. Although the Employer members had some difficulties with the definition in Convention No. 177, they were prepared to support the amendment as subamended. The Worker members, however, were not in favour of the amendment as subamended since it could deny protection to a large number of homeworkers due to disguised and triangular relationships. The Worker members drew attention to Point 7(a) of the Proposed Conclusions, allowing workers to be excluded from the application of the Convention where they otherwise enjoy adequate protection, which could be relied upon to ensure the two Conventions were not applied in a contradictory manner. The Government members of Cyprus, Italy and Papua New Guinea also voiced their opposition to the amendment as subamended.

95. An indicative vote of the Government members was taken on the amendment of the Government member of Japan as subamended by the Government members of Austria, France, Germany and Ireland, evidencing that a majority of Government members opposed the proposal. At the request of the Employer members, this was followed by a formal vote, the results of which were as follows: 14,326 votes in favour, 15,428 against, with 1,463 abstentions (the quorum was 15,321). The amendment to Point 6 of the Government member of Japan, as subamended by the Government members of Austria, France, Germany and Ireland, was therefore not adopted. As no further amendments to Point 6 had been proposed, Point 6 was adopted as amended earlier.

Point 7

96. After withdrawing their amendment proposing the deletion of Point 7, the Employer members introduced an amendment to delete the words in clause (a) "who otherwise enjoy adequate protection". The Employer members stated that the intent of Point 7 was to allow the competent authorities to exclude particular categories of contract workers, but the Office text strictly circumscribed this authority. The amendment sought to expand that authority, since there may be many valid reasons for wanting such exclusions, and it also avoided the problem of determining what constitutes "adequate protection". The Employer members noted that there was no reference to these words in the analysis to the questionnaires contained in Report VI(2). The Worker members opposed the amendment, asserting that it would permit a State to ratify the Convention and then evade implementation. They also contended that the original Office text was couched in standard language that should continue to be applied.

97. The Government member of Germany requested clarification from the secretariat of the Committee as to whether the exclusion would extend to contract workers who were economically dependent on the user enterprise, though not personally dependent. The representative of the Secretary-General replied that the Proposed Conclusions did not use the words "economically dependent", but referred to dependency in general. If "economically dependent" workers were covered as contract workers, it would be for national law and practice to determine whether they enjoyed adequate protection.

98. A number of Government members spoke against the proposed amendment, including the Government members of South Africa, Spain, Switzerland and Venezuela. In the opinion of the Government member of South Africa, the amendment left a void regarding what type of workers could be excluded and similarly the Government member of Spain argued that limitations on the exclusions were necessary. In the light of the indicative vote of Government members on the Employer members' amendment, the amendment was withdrawn.

99. An amendment to delete clause (b) of Point 7 was then proposed by the Worker members. The Worker members presented the amendment since they objected to member States being able to ratify the Convention and then exclude workers without considering the actual situation of those workers. They contended that the formulation in Point 7(b) could only be found in a few Conventions, and it was not appropriate to include it in a Convention seeking to protect workers who are so often excluded. The Employer members opposed the amendment since they viewed it as an unprecedented restriction. They considered that the formulation was common to Conventions and was particularly appropriate in the context of the proposed Convention. The Government members of Australia, Cyprus, South Africa, Sweden and the United States supported the flexibility inherent in the Office text, and therefore could not support the amendment. The Worker members withdrew their amendment.

100. Moving on to the final amendment submitted to Point 7, the Worker members proposed the addition of the words "only if the workers concerned otherwise enjoy adequate protection" to the end of clause (b), stating that the criteria in clause (a) was also appropriate for (b). The Employer members strongly opposed the amendment on the grounds that it deviated from standard terminology appearing in a number of Conventions and it would restrict considerably the discretion of member States. Finally, the logic of the amendment was queried by the Employer members, since ratifying States would in any event be required under Point 8 to specify the reasons for any exclusions, which would be scrutinized by the ILO's supervisory bodies. The Government member of Cyprus opposed the amendment, for the reasons presented by the Employer members. Following an indicative vote of the Government members on the amendment proposed by the Worker members to Point 7, the Worker members withdrew their amendment. As a result, Point 7 was adopted by the Committee without change.

Point 8

101. The Employer members withdrew their amendment proposing to delete Point 8. The Worker members then introduced their amendment to delete the word "therefor" and replace it with "why this exclusion was or is still judged necessary". The Worker Vice-Chairperson explained that the amendment was intended to impose more clearly an obligation to justify exclusions. He noted that the amendment adopted the wording found in the Part-Time Work Convention, 1994 (No. 175). The Employer members opposed the amendment, stating that it varied from the standard terminology used in ILO Conventions, with no purpose being served by this deviation. The Government member of Switzerland indicated that her Government was not in favour of the amendment since it raised problems of logic and its usefulness was not apparent. The Government members of Australia, Norway, Poland and the United States opposed the amendment for the reasons expressed by the Government member of Switzerland. The Government member of Chile spoke in favour of the amendment since his Government viewed it as expressing with greater clarity something that was implicit in the Office text. In the opinion of the Government member of South Africa, supported by the Government member of Italy, the amendment raised a question of drafting that was perhaps best left to the Drafting Committee. In view of the lack of support of Government members evidenced through an indicative vote, the Worker members withdrew their amendment.

102. The Worker members introduced a further amendment to Point 8 to add at the end of the sentence the words "and specify the way in which adequate protection is otherwise provided as is meant under Point 7", explaining that the addition was necessary since the meaning of the term "adequate protection" was not defined in the proposed instruments. The inclusion of such a requirement would also, in their view, facilitate discussions of the social partners at the national level regarding the exclusions that would be appropriate in the national context. This amendment was opposed by the Employer members because the addition was undesirable and unnecessary, since the proposed instrument would already obligate a ratifying State to give reasons for any exclusion. In response to a query raised by the Government member of Italy, a member of the Committee secretariat explained that, since Point 7 had already been adopted, exclusions would only be permitted after consultation with the most representative workers' and employers' organizations. The member State ratifying the Convention would have an obligation to report, and the issue of whether "adequate protection" had otherwise been provided would be examined by the Committee of Experts on the Application of Conventions and Recommendations in the course of the reporting procedure. The Government member of South Africa, while agreeing with the sentiments motivating the Worker members' amendment, said that her Government could not support it, since the ILO supervisory machinery was sufficient to meet the concerns addressed in the amendment. Similar reasoning in opposition to the amendment was given by the Government members of Cyprus, Italy, Switzerland and the United States. In the light of the explanations given, the Worker members withdrew their amendment. Point 8 was, therefore, adopted without change.

V. *Content of the proposed Convention*

Point 9

103. The first amendment to Point 9 proposed the rearrangement of the first line as follows: "The Member should ensure that: (1)...", which the Worker members stated was intended to clarify the text, particularly in the light of amendments they would be proposing to the subsequent paragraphs of the Point. The Worker and Employer members agreed that this was a drafting point that could be dealt with by the Drafting Committee in the light of the adoption of any subsequent amendments. The amendment was, therefore, withdrawn on this understanding.

104. The Employer members then presented an amendment to Point 9(1) to delete the words following "the health of contract workers" and replace them with "workers arising out of their work", explaining that it was intended to broaden the scope of application of the provision, while also simplifying the text. The Worker members characterized the amendment as an attempt to limit the scope of Point 9(1), and therefore were opposed to its adoption. The Government member of the Netherlands, on behalf of the Member States of the European Union with the exception of Spain, stated that with respect to the first part of the amendment, as the proposed instrument concerned contract workers, it would be preferable to retain the reference to them in paragraph (1) of Point 9. Regarding the deletion of the reference to "linked with or occurring in the course of", the Governments he represented believed that the Office text was more precise and thus should be retained. The Government members of China, Cyprus and the United States were also of the view that the reference to "contract workers" was more appropriate given the subject and objectives of the proposed Convention. The Government member of Cyprus asked the secretariat to advise the Committee as to whether the phrase "arising out of, linked with or occurring in the course of", as found in the Office version of Point 9(1), was standard terminology in ILO Conventions. A member of the secretariat informed the Committee that the same wording could be found in Article 4(2) of the Occupational Safety and Health Convention, 1981 (No. 155). As Convention No. 155 could be considered a key Convention on health and safety, the Government member of Cyprus was of the view that it would be appropriate to adopt the same wording in Point 9. Given the lack of support for their amendment, the Employer members withdrew it.

105. In order to assist the Committee in the discussion of the numerous remaining amendments that had been proposed to Point 9, the Worker members asked the secretariat whether there was any jurisprudence concerning the interpretation of the word "adequate". They also requested clarification regarding the effects of the different formulations used in the three paragraphs of Point 9 ("should ensure", "should be taken to provide" and "should be taken to ensure"). On the first question, a member of the secretariat stated that one could not generalize regarding the meaning of the word "adequate" in a text without considering the specific objective being sought in the substantive provisions of the instrument. In ILO Conventions, she explained, the terms "adequate" and "appropriate" are often used interchangeably. Responding to the second question, the deputy-representative of the Secretary-General acknowledged that there were important differences between the phrases used in the three paragraphs, with paragraphs (2) and (3) referring to the need for measures to be taken but without specifying by whom, while paragraph (1) clearly places the direct responsibility for action on the Member. These paragraphs should be read together with Point 4 on means of application, she noted. The Employer Vice-Chairperson recalled that a reference to "adequate" was found in the text of Point 3 as adopted by the Committee, and repeated his earlier remark that the varying degree of dependency arising out of the use of "adequate", to which the Office referred in Report VI(2), was undesirable and would be impossible to implement.

106. Returning to the consideration of the amendments before it, the Committee called on the Government member of Canada to introduce his amendment to add the words "in so far as is reasonably practicable" after the word "ensure" in Point 9(1), at which point he immediately withdrew the amendment. Discussion of the Employer members' amendment to insert the words "in accordance with national law and practice" after "measures" then commenced. The Employer members informed the Committee that this amendment reflected their group's desire to ensure proper account would be taken of national law and practice, as had been done in paragraphs (2) and (3) of the Office text. The Worker members were opposed to the amendment, being of the view that it would weaken the obligations imposed by the Office text by implying acceptance of existing law and practice rather than requiring the adoption and adaption of laws where necessary.

107. The Government member of the Netherlands, on behalf of the Member States of the European Union, offered support for the Employer members' amendment due to the flexibility that it would incorporate into the provision. The Government members of Hungary and Italy also spoke in favour of the amendment. Although the Government member of Cyprus agreed with the objective of the amendment, she queried whether this objective had already been achieved through the adoption of Point 4. The deputy-representative of the Secretary-General advised that it was for the Committee to decide whether, in the light of the adoption of Point 4, it was still necessary to make reference to national law and practice in the subsequent provisions of the text. The Government member of Papua New Guinea rejected the amendment on the ground that the word "adequate" in Point 9(1) already provided sufficient flexibility. The Government member of Senegal also spoke against the amendment, on the ground that domestic law was often inadequate. The Government member of Switzerland considered that, as a result of the amendment, the text would apply to situations where appropriate legislation existed but was not being adequately applied. Put to an indicative vote of Government members, support for the amendment was evidenced. As the Worker members continued to express their strong opposition to the amendment, a formal vote was taken, the results of which were as follows: 328,984 votes in favour, 263,671 against, with 4,838 abstentions (the quorum was 278,668). The amendment of the Employer members to Point 9(1) was, therefore, adopted.

108. An amendment to Point 9(1) was proposed by the Worker members to include the words "inform and train contract workers on health and safety hazards and" after the phrase "adequate measures are taken to". In presenting the amendment, the Worker members observed that contract workers were more likely to be involved in workplace accidents, often as a result of the user enterprise neglecting to provide them with the necessary information and training. They pointed out that while there were many health and safety issues that could be addressed, information and training were fundamental in the context of the specific problems facing contract workers. The Employer members opposed the amendment, pointing out that the reference to "adequate protection" already found in the text would encompass information and training where necessary. To mandate information and training in all instances, as they understood the amendment, would not be appropriate since such measures would not always be necessary. They disputed the claim of the Worker members that contract workers are particularly vulnerable to workplace accidents, asserting that there was no clear evidence to support this assertion. They suggested that in any event such detail as proposed in the amendment would be more appropriately placed in a Recommendation than a Convention. This latter suggestion was endorsed by the Government members of Gabon and Switzerland.

109. A number of Government members, including from Canada, Gabon, Hungary, Italy and South Africa, opposed the Worker members' amendment since it did not seem appropriate to select information and training from the extensive list of protections that could be provided, and that were already dealt with in detail in other international labour standards. The Government member of the Netherlands remarked that, while there was some sympathy among the Member States of the European Union for the amendment in so far as it mandated providing information, they had reservations regarding the practicality of including the obligation to train contract workers, since often contract workers worked for very short periods with one enterprise. The Government member of Austria expanded upon this point, emphasizing that appropriate instruction could be provided but difficulties would often arise in attempting to provide training. The Government member of Italy suggested that the word "instruction" might be more appropriate than "training". The issue of training was also raised by the Government member of Venezuela, in the context of the Spanish translation of the term. She noted that both the term "capacitación" and "formación" had been used in translating the amendment, the latter in her view indicating a lengthy, in-depth training process, whereas "capacitación" referred to training for a particular task. A member of the secretariat explained that, in the ILO, the two terms tended to be used interchangeably.

110. In response to some of the concerns raised regarding their proposed amendment, the Worker members tabled a subamendment, which would result in Point 9(1) reading as follows: "The Member should ensure that adequate measures, including information and training where necessary, in accordance with national law and practice, are taken to prevent accidents and injury to the health of contract workers arising out of, linked with or occurring in the course of contract labour." The Worker members emphasized that even workers working for only a few days needed to be trained if placed in a potentially dangerous situation. On the question of training, they noted that the type of training required, whether lengthy training or specific instruction, would depend on the circumstances. The Employer members rejected the subamendment, as in their view the primary obligation should be to provide a safe workplace; it was not constructive to imply that the workplace could be unsafe as long as information and training were provided. The Government member of Senegal registered her Government's support for the subamendment. The amendment of the Worker members, as subamended by them, was defeated on a vote, the results of which were as follows: with a quorum of 278,668, 258,833 votes were cast in favour, 307,213 against, and there were 16,933 abstentions. As there were no more amendments proposed, paragraph 1 of Point 9 was adopted, as earlier amended.

111. The Committee then considered the amendments proposed to paragraphs (2) and then (3) of Point 9. The Employer members withdrew three amendments: (i) to delete the word "contract" in Point 9(2)(a); (ii) to delete the word "such" in Point 9(2)(b); and (iii) to delete the word "contract" in the second line of Point

9(3) and replace "contract labour" by "their work" in the third line. As a result, Points 9(2) and 9(3) were adopted by the Committee without change.

112. The Government members of Austria, Belgium, Denmark, Finland, France, Spain and Sweden proposed an amendment to add a new paragraph to Point 9, providing as follows: (4) Measures should be taken in accordance with national law and practice to ensure that the user enterprise or, as the case may be, the subcontractor or the intermediary, is made responsible for fulfilling the financial obligations envisaged in Point 9(2)." On behalf of the authors of the amendment, the Government member of Austria explained that the amendment was aimed at ensuring that responsibility for financial obligations was clearly allocated, particularly in the case of triangular relationships. The Employer members vigorously opposed the amendment, contending that it would cut across employment relationships and contractual arrangements, thus creating confusion and discouraging the use of contract labour. They reminded the Committee that it had already adopted Point 9(2), which, in the view of the Employer members, rendered the amendment redundant. The Worker members expressed their group's support for the amendment on the basis that it addressed triangular relationships; this reasoning was supported by the Government member of Algeria.

113. While understanding the concern motivating the amendment, the Government member of Hungary stated that it was too specific, thus he proposed the following subamendment: "Measures should be taken to ensure that responsibilities for fulfilling the financial obligations envisaged in Point 9(2) are clearly determined in accordance with national law and practice." The Government member of Denmark seconded the subamendment and the Government members of Austria (on behalf of the authors of the original amendment), China, the Netherlands and the United States supported the subamendment. The Employer members indicated that although the subamendment seemed to set out obligations already contained in Point 9(2), they would support it if the Committee was in favour of its adoption. The Government members of Cyprus and Switzerland believed that the amendment as subamended was not necessary, since Point 9(2) was sufficient; they would, therefore, not support the subamendment. Put to a vote, the amendment of the Government members of Austria, Belgium, Finland, France, Spain and Sweden, as subamended by the Government member of Hungary, was adopted. The results of the vote were as follows: 333,822 votes cast in favour, 2,419 against and 250,059 abstentions (the quorum was 278,668). Point 9 as a whole was adopted with four paragraphs, as amended.

New point proposed

114. The Worker members put before the Committee two amendments to add a new point after Point 9. They withdrew the first, which would have added "Member States should take adequate measures to ensure that contract workers are accorded equal rights under law with workers with a recognized employment relationship," in favour of their subsequent proposal. They then presented their amendment to add a new point following Point 9 that would read as follows: "Member States should promote equality of treatment between contract workers and workers with a recognized employment relationship, taking into account the conditions applicable to other workers performing work which is essentially similar, under similar conditions." The Worker Vice-Chairperson raised his group's concern that the Office text in introducing the concept of "adequate protection" did not provide sufficient guidance as to the level of protection to be afforded. He emphasized that the Worker members had withdrawn their previous amendment in favour of the more general formulation found in this amendment, requiring only that a goal be set and giving the member States considerable flexibility in implementing an equality policy. He drew the Committee's attention to the fact that references to protection against discrimination and promoting equality of treatment could be found in the Part-Time Work Convention, 1994 (No. 175), and the Home Work Convention, 1996 (No. 177).

115. The Employer members contested the logic of the amendment and the intention behind it. They were of the view that it would be impossible to implement as it cut across all contractual and employment relationships, allowing virtually any contract worker anywhere to claim comparable treatment with virtually anyone else. Regarding the reference to the Part-Time Work Convention, 1994 (No. 175), the Employer Vice-Chairperson emphasized that it was not an appropriate example since two groups of workers both having a clear employment relationship were being compared pursuant to that Convention. He noted that, although his group did not agree with the Office text, they acknowledged that the language in Points 9 and 10 had been carefully selected. The Government member of Hungary could not support the amendment, agreeing that it was too broad and stating that such flexibility was not appropriate in a Convention of this nature. The Government member of Finland's opposition was based on the view that since the instrument was addressing complicated triangular relationships, it was essential that the rights of workers and obligations of employers be stated in clear terms. His views were supported by the Government members of Germany and Sweden. The Government member of the Netherlands noted that, while some Member States of the European Union had sympathy with the Worker members' amendment, they had some concern regarding with whom contract workers would be compared for the purposes of equality of treatment. Similar sentiments were expressed by the Government member of Cyprus. The Government member of Canada contended that it was unclear what the obligations on a State would be under the terms of the amendment, therefore, his Government could not support it. The Government member of Austria indicated her Government's support for the amendment since the use of the word "promote" offered member States considerable flexibility in implementing the provision.

116. In the light of the various comments, the Worker members proposed the following subamendment to their amendment: "Member States should promote equality of treatment between contract workers and employees of the user enterprise or, as the case may be, with employees of the subcontractor or the intermediary, for performing work which is essentially similar, under similar conditions and requiring similar qualifications." The Worker Vice-Chairperson pointed out that much of the text was taken from Point 18 of the proposed Recommendation. The Employer members strongly opposed the amendment as subamended, asserting that it was too broad and would undermine the protections provided in Point 10.

117. The Government member of South Africa commented that the term "promote" was not sufficiently strong for a Convention of this nature, and she suggested that the Committee might want to consider the term "ensure" instead, as found in Point 18. While viewing "ensure" as too strong to be acceptable, the Government member of Hungary agreed that the word "promote" was not appropriate for this type of Convention, as compliance would be difficult to assess. This view was supported by the Government member of Switzerland. The Government members of Cyprus, Italy and the United States expressed their preference for having the matter dealt with in the Recommendation. The Government member of the Netherlands, speaking also on behalf of the Government members of Austria, Belgium, Denmark, Ireland, Italy, Luxembourg, Portugal and the United Kingdom, expressed support for the original amendment as opposed to the subamendment. In the view of the Government member of South Africa, the whole of Point 18 should have been transferred to the Convention, as it would have avoided the creation of a third category of workers.

118. In response to questions raised by the Worker members, the deputy-representative of the Secretary-General confirmed that because the Committee was involved in a first discussion on the proposed instruments, the term "should" was used in the text; however, once Conclusions are adopted by the Committee, the term "should" will become "shall" for the purposes of the discussion next year. Responding to a further question from the Worker members, a member of the Committee secretariat noted that a reference to "promote" is found in Article 2 of the Discrimination (Occupation and Employment) Convention, 1958 (No. 111). The Employer Vice-Chairperson stressed that the Committee was not dealing with a promotional Convention. He also asserted that a third category of worker could not be eliminated by saying they should be treated the same as employees.

119. Having heard the views of the Committee regarding their subamendment, the Worker members withdrew it in favour of the original amendment and a vote on that amendment was held. The results of the vote were as follows: 292,699 in favour, 48,380 against, 7,257 abstentions, with a quorum of 278,668. The Employer members had not taken part in the vote. Immediately following the announcement of the results of the vote, the Employer members called for a record vote on the Worker members' amendment. Before the results of the record vote were announced, but after voting had concluded, the Government member of Colombia requested that he be permitted to vote. The Chairperson ruled that this would not be possible as the voting had concluded. The Government member of Colombia asked that his objection to this decision be noted. The Worker members' amendment was adopted on the basis of the record vote. The results of the record vote were as follows: 302,375 votes cast in favour, 53,218 against, with 19,352 abstentions. The quorum was 278,668.[4] As a result,

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[4] The Employer members requested that the details of the record vote with respect to the Government members be included in the report. The results of the vote were as follows:

For: Algeria, Austria, Belgium, Belize, Botswana, Côte d'Ivoire, Denmark, India, Ireland, Italy, Lesotho, Luxembourg, Mali, Malta, Mauritius, Namibia, Netherlands, Philippines, Portugal, Romania, Slovakia, South Africa, Spain, Suriname, Syrian Arab Republic, Trinidad and Tobago, Uganda, United Kingdom, Venezuela.

Against: Australia, Brazil, Canada, Finland, Germany, Hungary, Japan, Korea (Republic of), Kuwait, Mexico, New Zealand, Norway, Papua New Guinea, Poland, Russian Federation, Saudi Arabia, Sweden, Switzerland, United States, Uruguay, Zimbabwe.

Abstentions: China, Ecuador, France, Greece, Malaysia, Morocco, Sri Lanka, Thailand.

Absent: Argentina, Bahrain, Bangladesh, Benin, Bolivia, Cameroon, Chile, Colombia, Czech Republic, Egypt, El Salvador, Gabon, Gambia, Guinea, Indonesia, Iran (Islamic Republic of), the new point following Point 9 was adopted, as amended. The Employer members had not taken part in the vote.

120. The Employer members wanted it to be on record that they had not voted because they refused to take part in a vote on, what they characterized as, "a proposition of such monumental foolishness." The Worker members acknowledged that the divided vote indicated that perhaps a sufficient formulation had not yet been reached, though there was some consensus for the inclusion of equality of treatment, suggesting this matter be revisited during the second discussion. The Government member of Hungary, on behalf of the Government members of Australia, India, Norway, South Africa and Switzerland, expressed disappointment at the fact that confrontation seemed to have taken precedence over consensus, the result of which would be to diminish the ratification prospects of any eventual Convention, which would be the basis upon which the Committee's work would be judged; therefore, they urged the Committee members to work together to find acceptable solutions. The Chairperson also appealed to the Committee members to conduct the meetings in the spirit of tripartism based on mutual trust and understanding. The Employer members agreed that the success of the Committee's work would be measured by the number of ratifications any eventual Convention would receive, and considered that the Committee was working toward an unratifiable instrument. They urged the Committee members to take into account economic and employment considerations. The Worker members agreed to try to seek consensus wherever possible.

Point 10

121. The amendments proposed to Point 10 were then addressed. The Worker members began by withdrawing a number of amendments to this Point. The first amendment had sought to replace the introductory phrase with "Measures should be taken to ensure that contract workers receive the same level of protection as employees of the user enterprise or, as the case may be, as employees of the subcontractor with regard to:", and then to add three new clauses as follows: "(f) occupational health and safety; (g) remuneration; and (h) statutory social security". A further proposal had been made to delete the words "as appropriate" from the first sentence. A series of amendments to Point 10 seeking to add new clauses after clause (e), consisting of "occupational health and safety", "remuneration", "statutory social security", "termination of employment", "professional and vocational training" and "annual leave, sick leave and parental leave", were also withdrawn by the Worker members. A further amendment was withdrawn by the Worker members which would have added a new point after Point 10 as follows: "Member States should, in accordance with national law and practice, allocate responsibility between the subcontractor (or the intermediary as the case may be) and the user enterprise for fulfilling obligations toward contract workers". Another amendment to add a new point after Point 10 was also withdrawn, providing that "Member States should ensure that contract workers are not made available to a user enterprise to replace workers of that enterprise who

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Israel, Jamaica, Kenya, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malawi, Mongolia, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Qatar, Seychelles, Sudan, Tanzania (United Republic of), Tunisia, Turkey, United Arab Emirates.

are exercising their right to strike". The Government member of South Africa also withdrew her amendment to add a new clause (f) as follows: "security of employment".

122. The Worker Vice-Chairperson then introduced their remaining amendment to reword Point 10 as follows:

(1) Measures should be taken to ensure that contract workers receive the same protection as employees of the user enterprise or, as the case may be, as employees of the subcontractor with regard to:

(a) the right to organize and the right to bargain collectively;
(b) freedom from discrimination in employment and occupation on the basis of race, colour, sex, religion, political opinion, national extraction or social origin;
(c) minimum age.

(2) Measures should be taken to ensure that contract workers enjoy adequate protection as regards:

(a) working time and other working conditions;
(b) maternity protection;
(c) occupational health and safety;
(d) remuneration;
(e) statutory social security.

123. The Worker Vice-Chairperson explained that the aim of the amendment was to distinguish fundamental rights embodied in core standards from other issues. He emphasized that when dealing with fundamental rights, the qualifying phrase "as appropriate" was not suitable, since these rights are always appropriate; also where these rights were at issue "adequate protection" was not sufficient, as the same protection should be provided to all workers. The Employer members sympathized with the desire to differentiate between these specific rights and other protections. However, they had a difficulty with the amendment in its reference to employees of user enterprises and subcontractors since, where fundamental rights are at issue, they should be extended fully to all categories of workers, and not measured against that provided to other categories of workers. There was also in their view a problem of repetition caused by the amendment, in particular regarding health and safety and social security which were dealt with in other provisions of the instrument. The use of the word "remuneration" also caused them concern, noting that a different term was used in paragraph (2) of Point 9, namely "the payment of amounts due". They were also concerned about the vagueness of the formulation "working time and other working conditions", since "other working conditions" could apply to almost anything. While acknowledging that working time was a special category that should apply to all workers, this in their view could not be said of other conditions.

124. On behalf of the Member States of the European Union, with the exception of the United Kingdom, the Government member of the Netherlands expressed support for the intention motivating the Worker members' amendment, but found the wording problematic. To address their concerns, they proposed a subamendment to make two alterations to the Worker members' amendment: first, to replace the words after "same protection" in paragraph (1) of the amendment to "workers with a recognized employment relationship with regard to ...". This part of the subamendment was proposed in the light of the fact that where fundamental rights are concerned, there is no need to speak in terms of comparability, as the

Employer members had stated. Second, they proposed inserting the words "as appropriate" after the phrase "Measures should be taken" in the second paragraph. The Government member of the United Kingdom informed the Committee that although the amendment and the subamendment had much to recommend them as they represented helpful contributions to the debate on this issue, he would abstain from any vote on this matter. He explained that his Government was committed to providing a fair balance between the rights and responsibilities of employers and workers in the workplace, and intended to undertake consultations later in the year on a range of proposals with regard to fairness at work. Pending the outcome of that consultation process, his Government was unable to take a position on the issues raised in the amendment and the subamendment.

125. Support for the subamendment was voiced by the Worker members and the Government member of Norway. The Employer members also gave their support to the subamendment, though they continued to have reservations regarding the use of the term "other working conditions" in Point 10(2)(a) of the text as subamended. The Government member of Cyprus raised a concern similar to that raised by the Employer members regarding the lack of complementarity between Points 9 and 10, and recommended that the interrelation of the two provisions be carefully examined in the second discussion on contract labour. The Employer members agreed that the reservations they had raised would need to be re-examined in the context of the overall text adopted. The amendment of the Worker members, as subamended by the Member States of the European Union, with the exception of the United Kingdom, was declared adopted by consensus.

126. In the light of the consensus reached regarding the subamendment to the Worker members' amendment, a number of Committee members withdrew all further amendments to Point 10. The Employer members' initial proposal to delete the words "and other working conditions" in paragraph (d) was withdrawn, along with their amendment to replace the introductory phrase in Point 10 with "The Member should also ensure that measures are taken, where appropriate, to provide adequate protection in accordance with national law and practice as regards:". In addition, the Government member of Canada withdrew two amendments, the first to add the words "or other grounds of discrimination addressed in national law and practice" after the words "social origin", and the second to add a new clause (f): "notice of termination". The Government member of the United States withdrew his proposal to add at the end of clause (b) the words "age, or physical or mental disability.", but indicated that he would seriously consider reintroducing it during the second discussion. The amendments submitted by the Government members of Germany and Denmark to replace clause 10(d) with "working time and working conditions, or give the possibility to conclude collective agreements on these matters, provided by national law.", and to replace clause 10(e) with "(e) maternity protection or give the possibility to conclude collective agreements on this matter, provided by national law.", were similarly withdrawn but again on the basis that they could be revisited in the next discussion. As there were no outstanding amendments to Point 10, it was adopted as amended.

Point 11

127. The Worker members withdrew all their amendments to Point 11, including to add the words "or with the effect of" after "for the purpose of"; to add "or collective agreements and collective bargaining arrangements" at the end of the sentence; to add a new point after Point 11 to read "Member States shall prohibit contract labour where it is not possible to otherwise provide adequate protection to workers"; and to add another new point to read "Members should take measures to ensure that contract labour is not used to replace regular employees". The Government member of Canada also withdrew his amendment to replace the words "to ensure that contract labour is not used" by "to discourage the use of contract labour". As a result of these withdrawals, only one proposed amendment to Point 11 remained for consideration, and it was duly introduced by the Government member of Australia. His amendment sought to replace the phrase following "to ensure that" by "rights or obligations under labour or social security laws and regulations are not avoided." He explained that the intention was to express Point 11 in a positive manner, in keeping with Points 9 and 10, and not to alter the substance. This amendment was seconded by the Government member of the United States and supported by the Employer members. Although the Worker members expressed a preference for the Office text, they offered to accept the amendment if the phrase "through use of contract labour" could be added at the end. The Government member of Australia agreed to this subamendment.

128. The Employer members raised a concern regarding the open-ended nature of the Office text of Point 11 since, if contract labour were used, certain obligations would accrue that would not necessarily accrue to an employee of the enterprise, and a contract worker might be compensated in alternative ways for the absence of statutory protection. As a result of the Office text, simply because contract workers did not receive statutory protection could be interpreted to mean that contract labour was being used for that purpose. They were not certain that the subamendment addressed that concern; therefore, they proposed a further subamendment to add at the end of the amendment as originally proposed the phrase "when contract labour is used". The Worker Vice-Chairperson expressed some reservations regarding the reformulation proposed by the Employer members, as it could preclude resolution of the problems being targeted in Point 11; however, with the aim of achieving consensus, they agreed with the Employer members' subamendment, on the understanding that they would consider revisiting the issue in the course of the second discussion on contract labour. The Government member of Australia accepted the Employer members' subamendment to his amendment. This subamendment was also supported by the Government member of the United States and the Member States of the European Union. The Government member of Cyprus suggested that, in the context of rights and obligations, it was more appropriate to say that they should not be "denied or avoided". The Chairperson noted that this matter would be examined by the Drafting Committee. The Committee then adopted the amendment of the Government member of Australia, as subamended by the Employer members. Point 11 was then adopted as amended.

Point 12

129. The Government member of Canada withdrew his amendment to add after the words "public authorities", "in accordance with national law and practice", and after the word "including", "where applicable". The Committee then went on to examine an amendment proposed by the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Sweden and the United Kingdom. Pursuant to the proposed amendment, Point 12 would be deleted and replaced by the following: "Effective measures appropriate to the manner in which effect is given to the provisions of this Convention shall be taken to ensure the proper administration and enforcement of regulations or provisions concerning contract labour by means of adequate inspection or otherwise." The Government member of Germany, in introducing this amendment on behalf of its authors, stated that it was designed to address their concern that Point 12 was too restrictive in limiting the supervisory function to "the competent public authorities", which he understood as meaning administrative authorities. Their text, particularly the inclusion of the words "or otherwise", was intended to expand the possibilities for ensuring protection, for example through the court system. He pointed out that the text of their amendment was in keeping with that found in Article 14 of the Holidays with Pay (Revised) Convention, 1970 (No. 132), for example. While fully supporting the comments of the Government member of Germany, the Government member of Italy wished to point out that in her country "adequate inspection" would refer to labour inspection. The Government members of Switzerland and the United States indicated their support for the amendment.

130. The Government member of Spain explained that her Government had not associated itself with the amendment, being of the view that the original Office text was clearer and more precise, and the reference to "public authorities" was broad enough to encompass all authorities competent to apply the provisions of the Convention, including courts with jurisdiction over labour matters. In addition, the Office text had the advantage of referring to labour inspection, which was a term associated with the guarantees provided in the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129). The Government members of Brazil and Uruguay also supported the original Office text, for the reasons expressed by the Government member of Spain. The Employer Vice-Chairperson queried whether labour courts should be considered part of the machinery to administer and enforce the provisions concerning contract labour. He suggested that the role of the courts was to provide a remedy when measures taken to give effect to the provisions were not observed. However, since Point 12 implicated governments, the Employer members would respect their wishes by supporting the amendment and withdrawing their own amendment to delete the words "public" and "including the labour inspectorate." from Point 12. The Worker members supported the amendment in the interests of flexibility and improving the ratification prospects of an eventual Convention. The Government member of Canada also added his voice in support of the amendment on the ground that it contained sufficient elements of control while also providing enough flexibility to take into account diverse national conditions. Given the extent of the consensus that prevailed regarding the amendment, the Government members of Spain and Uruguay agreed that they could also support it. The amendment proposed by the Member States of the European Union (with the exception of Spain) was, therefore, declared adopted by consensus. As a result, Point 12, as amended, was adopted.

Point 13

131. As no amendments were proposed, Point 13 was adopted without change.

Point 14

132. Similarly, Point 14 was also adopted without change. As a result, the Conclusions proposed with a view to a Convention (Points 1 to 14, plus the three additional Points introduced by the Committee) were adopted as amended.

133. The Government member of the Netherlands, speaking on behalf of the Member States of the European Union, addressed some remarks to the Office for consideration in preparing the text of the Convention to be examined during the second discussion. He suggested that the text could benefit from some restructuring in the light of the amendments adopted. In particular, consideration should be given to placing the provision on equal treatment before Point 10, and Point 9 after Point 10. The Government member of Italy recalled that in other Conference committees redrafting to improve the text without altering the underlying philosophy or substance had taken place between the first and second discussions. The Employer members concurred with the view that Part V of the proposed Convention (Points 9 to 14) was in need of review, though they did not necessarily support the suggestion regarding the rearrangement of the provisions. They recalled that the proposed text prepared by the Office after this session of the Conference would be sent to the constituents for comment. The Government member of Senegal lamented that such important issues had been dealt with so quickly, allowing insufficient time to reflect on the implications. She emphasized the importance of contract labour to African workers because of its extensive use.

C. Conclusions proposed with a view to a Recommendation

I. General provision

Point 15

134. As no amendments were put forward regarding Point 15, it was adopted without change.

II. Definitions

Point 16

135. At the commencement of the consideration of Point 16, a number of amendments were immediately withdrawn. First, the Government member of Austria withdrew an amendment to add a new clause (j) in paragraph (4), which read as follows: "whether the contract worker is subjected to non-competition clauses or similar restrictions on his or her professional activities". This was followed by the withdrawal of a proposed amendment to paragraph (3) by the Government member of Canada to add the words "Subject to the provisions of Point 6" to the beginning of the paragraph. The Worker members had submitted three further amendments to Point 16, all of which were withdrawn: an amendment to add a new paragraph after paragraph (2), stating: "The term 'labour subcontractor' should mean a natural or legal person who supplies workers for a user enterprise under a contractual arrangement other than a contract of employment" ; the deletion of paragraph (3) and replacement with: "the term 'intermediary' should mean any person (whether established, legitimate, solvent or not) who engages workers with no employment relationship formally established to have work performed or services provided for the benefit of, or on behalf of, or under the supervision or control of, or with the resources provided (in main or in part) by, a user enterprise;"; and replacement of the words "a single user enterprise" in paragraph (4)(g) by "a single or a few user enterprise(s);". The Employer members then proposed the deletion of Point 16 and its subsequent replacement by the following text:

> In accordance with national law and practice, procedures should be established which will allow the determination as to whether an employment relationship exists. Such procedures should be accessible and based upon objective criteria which enable the clear differentiation between commercial and employment relationships. Where an employment relationship is found to exist, the procedures should enable the identity of the employer to be determined so as to ensure the assumption by the employers of their obligations.

The Employer members withdrew this amendment, having regard to what had previously been adopted by the Committee, but informed it that they would come back to the matter in the course of the second discussion, since in their view their amendment on this Point, which also related to their concerns regarding Point 5, adopted the correct approach.

136. The Government member of the United States then introduced an amendment to replace paragraph (1) of Point 16 with the following text:

> The term "contract labour" should mean work performed for a natural or legal person (referred to as a "user enterprise") by a person (referred to as a "contract worker") under the following circumstances:
>
> (a) the work is done under actual conditions of the worker's dependency on or subordination to the user enterprise, where these conditions are similar to those that characterize an employment relationship under national law and practice; and either
>
> (b) pursuant to a direct contractual relationship between the worker and the user enterprise, the work is performed by the worker personally; or
>
> (c) the worker is provided for the user enterprise by a subcontractor or an intermediary.

137. The Government member of the United States explained that the purpose of the amendment was to ensure consistency between the definitions in Point 5 and in Point 16. The amendment was seconded by the Government member of Cyprus and supported by the Government members of Italy, the Netherlands (on behalf of the Member States of the European Union) and Switzerland. The Government member of Canada interjected at this stage to reiterate his Government's reservations regarding the language used in the definitions of the instruments, in particular the use in French of "sous-traitance" to describe the phenomenon under discussion. He called on the Office and the Drafting Committee to ensure that the agreed objectives of the instruments could be accurately reflected in all languages, this being of particular concern in a country such as Canada with more than one official language. The Government members of Italy and Switzerland endorsed these sentiments, stressing the need for clear definitions as a basis for future discussion. The Government member of Spain also supported the statement of the Government member of Canada, noting that the same problems arose in relation to the Spanish version of the term "subcontratación". The Employer members asserted that even in English the terms "contract labour", "subcontractor" and "subcontracting" were not appropriate but, these being questions of substance, this was not a matter for the Drafting Committee. Both the Employer members and the Worker members expressed their support for the amendment submitted by the Government member of the United States; the Committee, therefore, adopted it by consensus.

138. In view of the adoption of the previous amendment, the Employer members withdrew their amendments to delete paragraphs (2) and (3) of Point 16. The Government member of the United States also withdrew an amendment to replace the text of Point 16(3) by the text of the amendment that the Worker members had proposed under Point 5 to add a definition of "intermediary", since the Committee had already adopted a definition of this term as proposed in the Office text of Point 16(3). He then introduced an amendment to Point 16(4) to replace the introductory text of this paragraph by the following:

> in determining whether or not an employment relationship exists between a worker (including a contract worker) and an employer (user enterprise), member States should utilize the following and any additional similar criteria established by individual member States to facilitate the determination as to whether a worker is an employee and as a result covered by the protections of the Convention as well as any national laws and practice of the individual member State:

He explained that the amendment was intended to clarify that the enumerated list following the phrase was not exhaustive. The Government member of Denmark seconded the amendment. Although they expressed support for the intention of the amendment, the Employer members found it to be a complicated formulation, and suggested that it be withdrawn in favour of the amendment they were proposing. In view of the fact that the intention of his amendment was the same as the Employers' amendment, the Government member of the United States withdrew it in favour of theirs.

139. The Employer Vice-Chairperson then introduced his group's amendment to the introductory phrase of Point 16(4) to delete the words "one or more of the following criteria" and replace them with "one or more criteria, including but not limited to, the following". He acknowledged that this amendment was premised on the Committee's decision to adopt Point 5; however, it in no way indicated their acceptance of that provision. The aim of the amendment was to provide a greater degree of flexibility in considering criteria of dependency and subordination by making it clear that the list is not exhaustive, thus permitting recourse to criteria particular to the national context. The Worker members gave their support to the amendment, as did the Member States of the European Union (with the exception of Italy), and the Government members of Poland and Switzerland. The Government member of Uruguay suggested as a drafting point that the term "inter alia" could be used to indicate that the list was not exhaustive. The Government member of South Africa cautioned that criteria should not be permitted that could undermine the intention of the Convention. The amendment of the Employer members was adopted by the Committee by consensus.

140. The Employer Vice-Chairperson then introduced an amendment to delete Point 16(4)(i), which set out as a criterion of dependency or subordination "whether the user enterprise provides training to the contract workers". While recognizing the importance of training, the Employer members sought the deletion of this reference because they felt its inclusion could discourage employers from providing training since it could lead to a finding of dependency; the reference to training was also too broad in their view in that it did not distinguish between the various types and degrees of possible training. The Worker members opposed the amendment. While acknowledging that they did not wish to discourage employers from providing training, they felt that the reference to it was important and should be retained at this stage of the discussions.

141. The Government member of Gabon indicated that training related to skill development was important in determining subordination or dependency, but that did not necessarily apply to other types of training; however, this distinction was not made in the Office text. Similarly, the Government member of Papua New Guinea would have preferred a reference to training that was more tailored to the contract labour context. Since the list was indicative and not exhaustive pursuant to the previously adopted amendment, the Government member of Cyprus did not object to including a reference to training; however, her Government preferred the formulation in the subsequent Employer members' amendment suggesting that the Office text be limited to "substantial job-specific" training. The Government member of the Netherlands, on behalf of the Member States of the European Union, and the Government member of South Africa endorsed the views expressed by the Government member of Cyprus. In the light of the observations of the Government members, the Employer members withdrew their amendment for deletion in favour of their amendment to add after "provides" in Point 16(4)(i) the words "substantial job-specific" since this amendment would make it clear that training that was minor in nature was not to be considered relevant in determining dependency or subordination. Further support for this amendment was voiced by the Government members of Gabon, Italy and Switzerland. The Worker members offered to support the amendment in the light of the views expressed by Government members; however, they indicated that they would consider raising the point again in the second discussion. The Employer members' amendment to Point 16(4)(i) was adopted by consensus.

142. An amendment sponsored by the Government member of the United States, seconded by the Government member of Canada, was then introduced to add three new clauses to Point 16(4):

(j) whether the worker has the ability to exercise initiative, judgement, or foresight in competition with others engaged in similar activities in order to succeed in a claimed independent activity;

(k) whether the worker is listed on the employer (user enterprise) payroll as salary or labour costs or contract fees;

(l) whether the user enterprise keeps the books and payroll for the worker.

He explained that the amendment did not intend to make the list exhaustive, but would add three criteria that had been found to be highly relevant in the United States in determining whether a worker is an employee or an independent contractor. The Government member of Senegal was of the view that, while the proposed new clauses (k) and (l) might prove useful in determining dependency or subordination, (j) did not appear to relate to dependency. The Government members of Switzerland and Cyprus shared the concern expressed by the Government member of Senegal. The Government member of the United States proposed a subamendment to his amendment, which was seconded by the Government member of Canada, to delete the phrase proposed in clause (j). The

Employer members found the formulation of the amendment as subamended in need of redrafting. In their view clause (k) was superfluous in the light of Point 5 of the Conclusions adopted by the Committee; the reference to "contract fees" was not necessary since the key issue was whether the worker was on the payroll; and (l) was redundant in the light of the suggested changes in (k).

143. The Worker members also expressed concern regarding the formulation of clauses (k) and (l) in the amendment since in their view the adoption of such criteria could be used to justify disguised employment relationships. Given the amendment adopted to the introductory paragraph in Point 16(4), the range of factors relied upon in different countries did not need to be included in the text, according to the Worker members. The subamendment was also opposed by the Government members of Papua New Guinea and South Africa, in the case of the latter because the proposal did not add criteria that were useful for determining dependency. The Government member of Papua New Guinea felt that the subamendment was seeking to incorporate criteria that were too complex to be applied in many countries. The amendment, as subamended, was withdrawn by the Government member of the United States.

144. The Employer members presented an amendment to add a new clause to the list of criteria for determining dependency or subordination under Point 16(4): "(j) the intention of the parties". The Employer Vice-Chairperson stated his group's view that, though criteria vary substantially from country to country, the amendment proposed to add a criterion that could be found in many common law countries, and it was important to include in the list the major criteria used in so many countries. The Worker Vice-Chairperson, in opposing the amendment, stated that it could encourage the practice of employers requiring contract workers, who are often in a vulnerable position, to sign contracts to attest their intention to be independent, thus perpetuating disguised relationships. He went on to assert that in the context of determining dependency or subordination, objective criteria should be adopted, and not a subjective factor as proposed by the Employer members. Acknowledging that this criterion was used in common law countries, he stated that it had not been an effective criterion and had led to the very abuse that the Worker members sought to avoid.

145. Opposition to the amendment proposed by the Employer members was also voiced by the Government members of Austria, Papua New Guinea, Senegal, Spain and Switzerland. The Government member of Senegal indicated that it would be difficult to determine the intentions of the parties, while the Government member of Papua New Guinea was concerned with the extent of the responsibility that such a criterion would impose. The Government member of Italy asked the Employer members whether they meant the common intention of the parties or each party's intention. According to the Government member of Spain, and endorsed by the Government member of Switzerland, referring to the intention of the parties was a supplementary criterion in civil law applicable to contracts whose terms were themselves not sufficiently clear, but was inappropriate in the very different context of determining dependency for contract workers where one had to look at substance over form. The Government member of Austria expressed concern that contract workers could be put under pressure to sign a document stating that they were not employees, so she opposed the amendment. The reference to "intention" could be interpreted, in the view of the Government member of South Africa, to include the intention to evade labour laws; taking into account such an intention could be useful and on this ground she supported the amendment. The Employer Vice-Chairperson responded that intention to evade labour laws was not what was being referred to, rather it was the intention of the parties regarding the nature of their relationship. The Government member of Canada, in support of the amendment, expressed his understanding of the amendment to refer to the true intentions of the parties as evidenced from all the relevant facts (and not merely as stated in writing). The Employer members agreed that establishing the true intentions was a question of fact to be determined on the basis of all the evidence, documentary and otherwise. They noted that, in common law countries, threats, force or duress would void a contract. Put to a vote, the Employer members' amendment was defeated with 5,459 votes cast in favour, 6,360 against and 7,095 abstentions. The quorum was 6,105. Point 16 was then adopted as previously amended.

III. Content of the Recommendation

Point 17

146. Before the amendments to Point 17 were introduced, the Government member of Germany withdrew an amendment that would have proposed deletion of the word "Appropriate" and add "as appropriate" after the words "should be taken". The Worker members' proposed amendment to add "and in the languages spoken by them" after "manner" was also withdrawn, as was the amendment of the Government member of South Africa to replace the words after "manner" by "about their remuneration (including how it will be determined), their conditions of work and other rights that may be available to them including relevant protective legislation and social security entitlements." The only remaining amendment to Point 17 was then introduced by the Employer members. This amendment sought to replace the words "their pay" by the words "amounts due to them" and replace "it" by "they". The Employer Vice-Chairperson pointed out that the phraseology that had been adopted in Point 9(2)(a) was "amounts due", and the amendment aimed to ensure consistency with the earlier text. In addition, the term "pay" was only appropriate with respect to a person with the status of an employee and to use the term in this provision could prejudge that determination. Support for the amendment was expressed by the Worker members as well as a number of Government members including Denmark, India, Switzerland, the United Kingdom and the United States. The Employer members' amendment was, therefore, adopted by consensus. As a result, Point 17 was adopted as amended.

Point 18

147. The Employer Vice-Chairperson introduced his group's amendment to delete Point 18, stating that, in the light of the new paragraph regarding equal treatment adopted by the Committee to be included in the proposed Convention, Point 18 was superfluous and, also in their view, undesirable. He noted that the text of the provision added to the Convention and the wording of Point 18 were not identical. He recalled that the purpose of a Recommendation associated with a Convention is to provide guidelines for the interpretation and application of the Convention, so having two slightly different definitions would only make interpretation more difficult and hinder ratification of the Convention. The Worker members opposed the amendment, as did the Government members of Cyprus, India and Spain. Those Government members opposing the amendment also expressed a preference for the use of the word "promote" as found in the proposed Convention over the word "ensure" as used in Point 18. The Worker Vice-Chairperson remarked that there was no contradiction between using "promote" in the Convention and "ensure" in the Recommendation. The amendment of the Employer members to delete Point 18 was put to a vote, the results of which were as follows: 5,088 votes in favour, 6,095 against, 1,325 abstentions, with a quorum of 6,105. Therefore, the amendment was not adopted. The Worker members then withdrew two amendments they had proposed to Point 18: (i) to delete the words "as appropriate"; and (ii) to delete the words "and requiring similar qualifications". Point 18 was then adopted without change.

Point 19

148. The Committee turned its attention to an amendment proposed by the Employer members to delete Point 19. In the first instance, the Employer Vice-Chairperson asked the Committee secretariat for an interpretation of the word "assimilated" as used in Point 19. The Chairperson noted that the dictionary definition of the word was "to absorb" or "to cause to resemble". The representative of the Secretary-General responded that the term had been used in the text to mean "treated as", and should be read in the specific context of "for the purpose of denying rights or avoiding obligations" as appeared in the text. The Employer Vice-Chairperson explained that, in the view of his group, the term "assimilate" was inappropriate, as it ran counter to the concept of "adequate protection" adopted in the text, and contradicted Point 18 and the new Point the Committee had added after Point 9. The appropriate remedy for the violation of labour laws and regulations, he advocated, was not "assimilation", but rather the proper application of laws and the provision of remedies and penalties in the event they are breached.

149. The Worker members opposed the amendment on the basis that the approach reflected in Point 19 was not uncommon, and was an important means of protecting contract workers. The Government member of Canada, whose views were endorsed by the Government member of Switzerland, also preferred to retain the Office text since it established a presumption to discourage unfair practices. The Government member of India also supported the Office text, recalling that the case law in his country on this issue was well established. The Employer members, however, did not think it appropriate to include reference to a practice that was not followed in most countries. The Employer members' amendment was defeated on a vote, the results of which were as follows: 5,300 votes in favour, 6,466 against with 583 abstentions (the quorum was 6,105). The Worker members then withdrew an amendment to add the words "or with the effect" after "purpose" in the second line. The Committee adopted Point 19 without change.

Point 20

150. The Employer Vice-Chairperson put forward a number of reasons in support of the Employer members' amendment to delete paragraph (1) of Point 20. Firstly, for his group the most compelling argument was that, pursuant to the Preamble adopted by the Committee, the objective of the proposed Convention is to ensure that contract workers enjoy adequate protection, and considerable protection was now provided for in the instrument. However, paragraph (1) of Point 20 in their view was incompatible with this basic objective, as it did not provide protection to contract workers; rather it sought to protect workers, other than contract workers, who were on strike. Secondly, he asserted that there was no right to strike in so far as ILO instruments are concerned. Thirdly, the enormous variation in national laws on strikes counselled against the inclusion of such a provision in the text under consideration, providing as examples the variety of provisions regarding limitations or restrictions on strike action in essential services, and on strike replacements. Finally, he stated that there were many cases in which enterprises would be justified in keeping their operations functioning in the event of a strike, for example where safety or the continued economic viability of the enterprise was jeopardized or where the strike was unjustifiable.

151. The Worker members opposed the amendment, stressing that the protection provided in Point 20(1) was essential to safeguard the right of workers in the user enterprise to freedom of association and to bargain collectively. He recalled that extensive jurisprudence recognizing and defining the right to strike had been developed, particularly by the ILO Governing Body Committee on Freedom of Association. However, Point 20(1) was not only relevant with respect to protecting workers of the user enterprise, it also sought to protect contract workers since, given their vulnerable situation, they could be pressured to replace striking workers. The Worker Vice-Chairperson also reminded the Committee that this provision was found in the context of the Recommendation; therefore, it would not impose any binding obligations.

152. Further opposition to the amendment was voiced by the Government members of Belgium, Canada, Chile, France, India, Italy, Japan, Malaysia, Papua New Guinea, Peru, Poland, South Africa, Switzerland and the United Kingdom. The Government member of South Africa stated that the use of strike replacements should be avoided, otherwise a situation of high tension is created. In a similar vein, the Government member of Canada noted that the Province of Quebec had had legislation preventing the use of strikebreakers for 30 years without leading to any problems; he stated that it in fact helped to civilize labour disputes. The Government member of South Africa also noted that restrictions on strikes in essential services were embodied in the concept of the right to strike. The Government member of Belgium favoured the Office text since it was limited to situations where workers are made available by a third enterprise and does not relate to direct contracting situations. For the Government member of Poland, the basic objective of the instruments was not undermined by providing some restrictions on the use of contract labour as well as protections. The Government member of France agreed that the scope of Point 20(1) was particularly wide; however, as it was proposed in the context of a Recommendation, his Government would support the text at this stage of the discussions. He underlined the need to revisit the definitions and provisions on scope in the proposed instruments.

153. Though there was considerable opposition expressed to the complete deletion of Point 20(1), a number of Government members indicated their dissatisfaction with the wording of the Office text, including the Government members of Canada, Chile, Germany, Italy, Japan, Papua New Guinea, Switzerland, the United Kingdom and the United States. The Government member of Japan expressed concern for the need for harmony between workers' rights and the user enterprise's right to manage. Also seeing a need for a more flexible text was the Government member of Germany. The Government member of Switzerland, while understanding the Employer members' point of view and agreeing that in some instances it was necessary to replace striking workers, also sympathized with the comments of the Government member of Canada, and suggested that a compromise could be reached in line with the text adopted by the Committee on the Revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96). In response to a question raised by the Government member of Cyprus, the representative of the Secretary-General, declared that, to his knowledge, similar provisions were not found in other ILO Conventions already in force. The Government member of Cyprus, although supporting the substance of Point 20(1), queried whether it was appropriate to include it in the proposed instrument.

154. In the light of the concerns expressed regarding their amendment and the original Office text, the Employer members put forward an alternative text for consideration in an attempt to find a consensus; however, they underlined that deletion of the provision remained their preference. The text proposed was as follows: "In accordance with national law and practice, contract workers should not be made available to a user enterprise to replace workers of that enterprise who are on strike." The Worker members expressed concern regarding the introduction of the phrase "in accordance with national law and practice", in particular since this did not appear in the text adopted by the Committee dealing with the revision of Convention No. 96 (while the rest of the relevant provisions of the proposed text were identical). They were of the view that difficulties could result by having two different texts. They requested an interpretation from the secretariat regarding the effect of including the phrase "in accordance with national law and practice". A member of the secretariat informed the Committee that the phrase does not in any way restrict the need to comply with the substantive provisions of the text, but provides considerable flexibility in the means of implementation. The Employer members agreed with the interpretation given by the secretariat. The Employer Vice-Chairperson considered that the argument that the text of the Recommendation on contract labour and the one on private employment agencies on this issue needed to be identical was not convincing, particularly since the issue being dealt with by this Committee was much wider, thus different considerations applied. In the light of the interpretation given by the secretariat, the Worker members gave their support to the reformulated text. It was also supported by the Member States of the European Union. The Government member of Germany emphasized the need to take into consideration national law and practice given the diversity of legal provisions regarding strikes. Point 20(1) as reformulated by the Employer members was then adopted by consensus.

155. The Employer members proposed an amendment to delete paragraph (2) of Point 20, which they said was the first and only reference to a prohibition of contract labour in the proposed instruments. They strongly opposed both the general thrust of such a provision as well as the specific kinds of prohibition set forth in the three clauses. The instruments dealt with the provision of protection to contract workers, which did not mean that they should not be made available by intermediaries as proposed in clause (a). Many types of work were indeed hazardous, but there were some kinds of work which were better performed by contract workers than by direct employees, because of the need for specialist skills and experience. It was the purpose of the proposed instruments to provide all the necessary protection as was humanly possible, but it would be wrong and inappropriate to call for a prohibition of contract labour in the circumstances set forth in clause (b). As to the provision in clause (c), the Employer members viewed this as a specious proposition, since such concerns were not limited to contract labour and, furthermore, governments would themselves take the necessary measures to protect national security without having to be told to do so. In opposing the amendment, the Worker Vice-Chairperson emphasized that there were many fly-by-night intermediaries unable to assume the obligations incumbent on employers. Although hazardous work was not limited to the case of contract workers, such workers were in many cases not given proper protection. He also pointed out that the provision would appear in a proposed Recommendation and that similar prohibitions could be found in other texts.

156. The Government member of Canada, endorsing the earlier remarks by the Government member of France concerning the confusion arising from a lack of precision in the provisions on scope and definitions in the Points already adopted, noted that it was often contract labour which was used in particularly dangerous work, for instance in extinguishing fires in oil wells, where there was a need for specialist skills and experience. The Government member of France, although expressing his understanding of the thrust of the amendment in that some contract labour operations required specialist skills, said that the deletion of the entire paragraph would open the door to abuses of the kind noted by the Worker members. The Government member of Cyprus also expressed reservations about the need to include at least clause (a) in the proposed Recommendation. The Government member of Australia supported the proposed amendment, believing that prohibition should be a matter to be decided by member States. The Government member of South Africa expressed support for the introductory part of paragraph (2) of Point 20, but noted that it might be useful to amend it with respect to the circumstances described in the respective clauses in the light of the debate. In reply to the remarks made by the Worker Vice-Chairperson, the Employer members regarded it as misleading and wrong to suggest that all intermediaries were fly-by-night operators and emphasized that the Committee had been adopting provisions to give protection to contract workers, including safety and health protection. As regards the deletion of the paragraph leaving the door open to possible abuses, they pointed out that the Committee was dealing with a proposed Recommendation and that the amendment would not limit a government's discretion in this respect. Following further opposition from the Worker members, the amendment was put to a vote and adopted by 5,141 votes in favour and 4,880 votes against, with 944 abstentions. The quorum was 6,105. Point 20 was adopted, as amended.

Point 21

157. The Committee then moved on to consider an amendment proposed by the Employer members to add "and imminent" after "serious" in Point 21. The Employer members endorsed the intention of Point 21 to provide workers, regardless of their status, with the right to refuse to perform work posing a danger to safety and health. The amendment sought conformity with the terminology used in Article 13 of the Occupational Safety and Health Convention, 1981 (No. 155), being the principal Convention concerning health and safety. The Worker Vice-Chairperson expressed his group's reservations regarding the proposed amendment. His group felt that a worker should be able to refuse to perform work even if the danger was not imminent, for example, in the case of exposure to radiation or asbestos; while there is a serious danger involved, harm to health is not imminent. The Government member of the Netherlands, speaking on behalf of the Member States of the European Union, opposed the amendment for the reasons put forth by the Worker members. The Government member of South Africa considered the term "serious" to be broad enough to encompass "imminent". The Government members of the United States and Uruguay favoured the Office text over the proposed amended version. The Government member of Gabon supported the amendment. The Government member of Cyprus suggested that whether "serious and imminent" or only "serious" was used would perhaps depend upon the kind of work being done by contract workers and whether general or specific terms were needed in such circumstances.

158. The Employer Vice-Chairperson pointed out that the phrase "serious and imminent" was found in Article 18(1) of the Chemicals Convention, 1990 (No. 170), and in Paragraph 25(1) of the accompanying Recommendation; Article 19 of the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) also uses the term "imminent". The deputy representative of the Secretary-General confirmed the references to "imminent" cited by the Employer Vice-Chairperson, and added that a reference to "serious danger" was found in the Safety and Health in Mines Convention, 1995 (No. 176). She went on to note that "imminent" has a connotation of time, whereas "serious" relates to the nature of the risk or hazard involved. The Employer Vice-Chairperson pointed out that the use of "serious" in Convention No. 176 was specific to the nature of the particular hazards being addressed in the mining sector and since the phrase "serious and imminent" was standard terminology as used in the principal ILO Convention on safety and health (No. 155), it should be used in Point 21. The Government member of Finland commented that "imminent" refers to time with reference to two instances: (i) the exposure to the risk; and (ii) when the damage from the risk is realized. If only the latter of these was what was meant by the term as proposed by the Employer members he was not prepared to support its inclusion in the text; however, if both were encompassed, he would support it. The Employer Vice-Chairperson remarked that, though his group believed there were compelling reasons for having the text conform with the major Conventions, they would withdraw the amendment on the understanding that they would revisit the issue during the next discussion. Point 21 was then adopted without change.

159. Two proposals to add a new point following Point 21 were immediately withdrawn. The first was an amendment submitted by the Government member of South Africa, to add "National law and practice should provide that the legal obligations and responsibilities for occupational health and safety should fall upon those parties who are effectively able to safeguard the health and safety of contract workers." The second proposed amendment had been submitted by the Worker members and would have added "Member States should ensure that the competent authorities, including the labour inspectorate, should be given the necessary powers and resources to enable them to properly implement and enforce provision concerning contract workers."

160. The Employer members asked that their objections to the time at which the Drafting Committee meeting had been scheduled be noted. In their view it was unreasonable to start the work of the Drafting Committee at 4 p.m. on a Saturday, and indicated that the Office should have made available sufficient resources so that this would not have been necessary. The Worker members agreed that for next year the problem of insufficient resources should be addressed.

Point 22

161. The Employer members introduced an amendment to delete paragraph (1) of Point 22, as they reiterated their objection to the notion of apportionment of responsibility or apportionment based on the degree of dependency. The idea of apportioning responsibility on some form of percentage basis was in their view unacceptable and unworkable. The Worker members opposed the amendment, since Point 22 reflected the laws of many countries and it was an important means of addressing problems arising in triangular relationships. The Worker Vice-Chairperson noted that the same notion of apportionment/allocation of responsibility could be found in the text of Article 9 of the proposed Convention on the Revision of Convention No. 96. His group did not consider the concept of apportionment as used in the text to refer to a determination on a percentage basis, but rather the allocation of responsibilities for different matters. The Government members of the European Union, with the exception of Portugal, opposed the amendment. The Government member of Cyprus recalled that the Committee had already adopted a new paragraph (4) to Point 9, which refers to clearly determining responsibilities for financial obligations. She requested clarification from the Committee secretariat regarding the difference in meaning between Point 22(1) and the new paragraph to Point 9. Furthermore, whilst reserving her position on Point 22 pending this clarification, she expressed doubt about the need to specify the criterion of dependency for the purposes of apportioning responsibility.

162. The representative of the Secretary-General explained that the wording under paragraph 4 of Point 9 requires a determination as to which of the employers should be responsible for fulfilling the financial obligations, while Point 22(1) provides for the distribution of responsibilities among the employers according to the issue/condition concerned, and did not refer to allocating a percentage of responsibility. The Employer Vice-Chairperson maintained that the provisions of Point 9(4) and Point 22(1) were not comparable, since the first is limited to financial responsibilities and does not raise the question of apportionment, whereas the second refers to all responsibilities and specifically mentions apportionment, making Point 9(4) more flexible. The Government member of Cyprus expressed her Government's willingness to accept Point 22(1) with the deletion of the words after "contract workers". She also suggested that the word "should" be changed to "might". The Government member of Germany supported the latter suggestion in the interest of flexibility. On the basis of an indicative vote on the Employer members' amendment to delete Point 22(1), the amendment was withdrawn.

163. A further amendment to Point 22(1) was then introduced by the Government member of Finland, speaking also on behalf of the Government member of Norway. Pursuant to their amendment the words "the workers' dependency on or subordination to them" would be replaced by "the control of the subcontractor (or the intermediary, as the case may be) and the user enterprise over the conditions of work." He explained that in their view control was more relevant in the context of Point 22(1) than dependency, for example control over health and safety matters would normally lie with the user enterprise, but by measuring responsibility based on dependency, a different apportionment could result. The Employer members found the argument put forward regarding the amendment fairly convincing, but stressed that what was important was national law and practice, since in some circumstances control might be the critical criterion, whereas in others dependency could be more appropriate. The Employer Vice-Chairperson suggested that deleting the last phrase of the Office text would address his group's concerns. The Worker members considered subordination and control to be two sides of the same coin, though in their view it was preferable to repeat the words used in the definition section to ensure consistency of wording and intentions. They would, however, agree to adding a reference to control in Point 22(1) to complement the reference to subordination and dependency.

164. In the light of the discussion, the authors of the amendment agreed to withdraw it in favour of that proposed by the Government member of Canada to add the following new sentence to Point 22(1): "Where applicable, such apportionment could take account of the control of the subcontractor (or the intermediary, as the case may be) and the user enterprise over all the circumstances in which the work is carried out." The Government member of Canada stated that the intention of the amendment was to ensure that the apportionment of responsibility could take account of the means of intervention specifically available to the subcontractor or intermediary, as the case may be, and the user enterprise, regarding the various conditions which might affect the health and safety of contract workers. The Government member of the Netherlands seconded the amendment. The Government member of France indicated that while he understood the concern underlying the amendment, he questioned the usefulness of reopening the debate on the criteria for determining dependency and subordination which had already been pursued with respect to Point 16; each State could use the criteria it found useful. Similar sentiments were echoed by the Government member of Poland who opposed the amendment. The Government member of Cyprus spoke in support of the amendment, since she found it useful to include the idea of control. The Employer Vice-Chairperson declared that, while his group would not oppose the amendment, they questioned the need for it since Point 16(4)(c) had already introduced the concept of control as a criteria for determining subordination or dependency. The Government member of Canada withdrew his amendment.

165. The Government member of Germany submitted an amendment to change the word "should" in Point 22(1) to "could", explaining that it would provide greater flexibility to take into consideration the range of approaches to this issue. The amendment was seconded by the Government members of Denmark and the Netherlands. The Employer members and Worker members also expressed their support for the amendment. The amendment of the Government member of Germany was, therefore, adopted by consensus, and paragraph (1) of Point 22 was adopted as amended.

166. The Employer members' amendment to delete paragraph (2) of Point 22 was then put before the Committee. The Employer Vice-Chairperson explained that his group objected to Point 22(2) for the same reasons as Point 22(1), as stated above. The Employer members objected to the principle of apportionment as it interfered with commercial arrangements and with the responsibilities of the direct parties to the relationship. They looked very seriously upon the proposal contained in Point 22(2) to impose obligations on a party who did not have the legal responsibility to meet them. In their view, the appropriate response was to ensure that the person with the legal responsibility discharged that obligation. The Worker members opposed the amendment as did the Government members of Gabon, India, the Netherlands (on behalf of the Member States of the European Union), Poland and Venezuela. The Government members of India and Venezuela based their support for the Office text on the ground that, in their countries, the legal situation on this matter was very clear and was in line with the terms of Point 22(2). The Government member of Gabon supported the Office text since it appeared in the context of a Recommendation and the provision was sufficiently flexible.

167. The Government member of Peru supported the amendment for reasons similar to those expressed by the Employer members. He believed that it was not acceptable to transfer obligations to a party who had no legal obligation to meet them. The Government member of Germany suggested that the fear that liability would be transferred to the user enterprise was not well founded in the light of the inclusion of the words "where appropriate" in the Office text, which already provided sufficient flexibility. The Government member of Australia expressed some sympathy for the view that a person not be obliged to discharge the obligations arising pursuant to an agreement to which he or she was not a party. In response to requests for clarification from the Government members of Australia and Germany, the representative of the Secretary-General recalled that the text of a Recommendation is by its nature not mandatory and that the term "as appropriate" provided further flexibility. Another member of the Committee secretariat listed countries in which the approach taken in Point 22(2) was followed. The Worker members viewed the provisions of Point 22(2) as giving guidance regarding one of many ways of addressing the triangular relationship. The Employer Vice-Chairperson observed that the purpose of the Recommendation was to give guidance regarding the application and implementation of the Convention and set out guidelines on good practice rather than perpetuating systems that might prevail in some countries. Since most countries did not have a legal system in conformity with Point 22(2), in their view there was no good reason to include such a provision. The amendment was voted upon with the following outcome: 3,045 votes in favour, 3,509 against with 232 abstentions (the quorum was 3,340). The Employer members' amendment was, therefore, not adopted and paragraph (2) of Point 22 was adopted without change. The whole of Point 22 was adopted, as amended.

Point 23

168. The Worker members withdrew the two amendments they had proposed to Point 23, the first calling for the deletion of the words "to the extent provided for by national law" and the replacement of "might" by "should", and the second renumbering paragraph (2) as a new Point 24. The Employer members also withdrew an amendment proposing the deletion of Point 23(1) in the view of the previous decisions of the Committee. However, they considered that Point 23(1) touched upon an important question of principle and their amendment to delete it reflected their profound concern regarding the notion of shared responsibility. They indicated that they would take up the issue again during the second discussion of this agenda item. The Employer Vice-Chairperson then introduced his group's amendment to delete paragraph (2) of Point 23. He contended that it was inappropriate to deal with the question of insolvency in the manner proposed in Point 23(2), and in any event the provisions went further than the protection afforded in the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173). The Worker members found the provisions in Point 23(2) to be entirely consistent with Convention No. 173, and they believed it to be appropriate to include them in the context of the proposed Recommendation. The Government members of Austria, Belgium, France, Italy, Luxembourg, Namibia, the Netherlands, Spain, Switzerland, the United States and Venezuela expressed their preference for retaining the Office text. The Employer members withdrew the amendment. Paragraph (2) of Point 23 was adopted without change, and thus the whole of Point 23 was adopted without change.

Point 24

169. The Employer members introduced amendments to delete both paragraphs of Point 24. Though addressing first the deletion of Point 24(1), the Employer Vice-Chairperson noted that the same arguments were relevant regarding Point 24(2). The notion of registration or licensing to permit the use of contract labour was described as being anathema to the Employer members. Such an obligation, they believed, would hinder the capacity to use contract labour by introducing unnecessary obstacles. The Worker Vice-Chairperson stated that they would oppose the deletion of the two paragraphs as they addressed important issues, and pointed out that the provisions appeared in the context of a Recommendation that was providing guidelines for possible ways to protect contract workers. The Government members of Australia, Cyprus, Japan and New Zealand voiced their support for the amendment to delete Point 24(1). The Government member of Cyprus, whose views were endorsed by the Government members of Australia, Japan and New Zealand, considered that, while registration could prevent some abuses, it would impose a regulatory burden that would be particularly onerous for small businesses.The Government members of France, Italy, Norway, South Africa, Spain, Switzerland, the United States and Venezuela were in favour of retaining the Office text since it provided sufficient flexibility. The Government member of Spain was of the view that registration would be one logical means of ensuring observance of legislation. However, he took the opportunity to reiterate his Government's concerns regarding the use of the term "subcontracting" in Spanish ("subcontratación") which in Spain meant something entirely different from the way it was being used in the proposed texts. If registration of commercial subcontracting arrangements was being envisaged, this would be totally untenable. The Government members of Canada and Switzerland supported the comments made by the Government member of Spain as they reflected the same problem that arose in the French text. The Government members of Gabon, India and Namibia emphasized the importance of the system of registration in their countries as a means of avoiding abuses, particularly in the informal sector. The Employer members recalled the purpose of a Recommendation, noting that the fact that similar provisions existed in the legislation of certain countries was not a reason to advocate their inclusion in the present text. The crux of the issue according to the Employer members was whether or not it was desirable to have a provision like Point 24(1) that would hinder the freedom of businesses and discourage job creation. The amendment was put to a vote, the results of which were as follows: 2,929 votes cast in favour, 3,799 against and 145 abstentions, with a quorum of 3,340. The Employer members' amendment was, therefore, not adopted.

170. The Government member of the United States presented an amendment to paragraph (l) of Point 24 to delete the word "and" after "national laws" and to add after "regulations" the following: "and practice, including the laws of individual units of member States". Following clarification from the representative of the Secretary-General that the Office text did not use the word "federal" and that the reference was to laws of a country at any level, the Government member of the United States withdrew his amendment.

171. The Employer members pointed out that the Office text of paragraph (2) seemed to be encouraging "job cremation" rather than "job creation", but that, in the light of the decision adopted on paragraph (1), they withdrew their proposed amendment to delete paragraph (2), although they wanted their concerns and reservations to be noted, along with their clear intention to revisit the matter during the second discussion. In the light of the Committee's discussions, the Worker members withdrew an amendment that would have sought to add a new paragraph as follows: "(3) Registration and licences might be denied to subcontractors and intermediaries who have violated legal standards to protect contract workers." Point 24 was therefore adopted without change.

Proposed new point

172. An amendment was presented by the Worker members to add a new point after Point 24 as follows: "Measures should be taken to encourage collective bargaining as a means of determining and improving the terms and conditions of contract workers." They were concerned that contract workers were sometimes not able to bargain collectively with user enterprises, since they were not considered to be employees, and that the proposed new point would help secure the rights of such workers. A provision to this effect already appeared in Paragraph 11 of the Home Work Recommendation, 1996 (No. 184). The Employer members opposed the amendment on two grounds: first, it was redundant, since the extension of the right of contract workers to organize and to bargaining collectively had already been addressed in Point 10; second, it was couched in terms which differed from the comprehensive wording used in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which took account of the great variety of conditions in member States. The Government member of the Netherlands, on behalf of the Member States of the European Union, with the exception of the United Kingdom, expressed support for the amendment, which he considered logical in the light of the provisions of Point 10. Support was also expressed by the Government members of Venezuela and Canada, while the Government member of Poland opposed it on the ground that the matter was sufficiently covered by Point 10. With a view to ensuring consistency with the wording of Article 4 of Convention No. 98, the Employer members proposed a subamendment to delete all the text after the word "measures" and to replace it with the provision set forth in Article 4 of Convention No. 98. Following the views expressed by several Government members that they preferred the text of the original amendment, the Employer members proposed a further subamendment which read as follows: "Measures appropriate to national conditions should be taken, where necessary, to encourage collective bargaining as a means of determining and improving the terms and conditions of work of contract workers", which they said would preserve the essential flexibility of Article 4 of Convention No. 98 and take account of the various systems of labour regulation in member States. In the light of the broad support for the proposal from the Government members, including Colombia, Ecuador (speaking on behalf of Brazil, Mexico and Uruguay), Norway, Switzerland and the United States, the Worker members accepted the subamendment. The amendment, as subamended by the Employer members, was adopted. The new point after Point 24 was adopted.

173. Another amendment was submitted by the Worker members to add a new point after Point 24 as follows: "Legislative or administrative restrictions or other obstacles to the exercise of the right of contract workers to join the workers' organizations of their choice and to participate in the activities of such organizations should be identified and eliminated." They stressed that contract workers often face such obstacles and that the proposal would help strengthen their right to freedom of association, particularly when, in situations of disguised employment relationships, commercial law might prevent contract workers from forming organizations for such purposes as gaining pay increases. The Employer members opposed the amendment, which they considered superfluous, lacking in clarity and based on a questionable presumption that such restrictions actually existed. They contended that the Worker members' reference to commercial law was misleading, since commercial law did not restrict freedom of association. In their view, the proposed instruments concerned the protection of contract workers, not the problem of disguised employment relationships. The Worker members disagreed with this conclusion. The Government members of Austria, Finland, Italy and Venezuela supported the amendment, as did the Government member of Cyprus, who noted that a similar provision existed in the Home Work Recommendation, 1996 (No. 185). The Government member of Switzerland opposed the proposal and the Government members of Germany, the Netherlands, Portugal and Sweden had doubts about it. The Government member of Canada inquired about the meaning of "legislative or administrative restrictions or other obstacles"; the Canada Labour Code already had removed any possible restrictions. The Government member of Italy proposed a subamendment to add the words "if any" after "obstacles", which was further amended by the Employer members to read as follows: "Any obstacles to the exercise of the right of contract workers to join organizations of their choice and to participate in the activities of those organizations should be identified and eliminated". Following support for this solution from the Government member of Italy, the proposal was accepted by the Worker members and the amendment, as subamended, was adopted. The new point after Point 24 was adopted, as amended.

Point 25

174. An amendment by the Employer members to delete Point 25 was withdrawn, as were two amendments by the Worker members to delete the words "where possible" and to add the following words to the end of Point 25: "and the conditions under which contract labour is performed." Point 25 was adopted without change.

Point 26

175. The Employer members presented an amendment to delete Point 26, which they believed would be impossible to implement in its original form. The replies to the Office questionnaire as set forth in Report VI(2) had already noted the heavy burden which could result from the reference to "appropriate measures" and the complexity of applying domestic legislation in another jurisdiction. To provide greater flexibility, the Office had reworded the provision, but the difficulties mentioned in many of the replies still remained, in the view of the Employer members. The Worker members opposed the amendment, on the ground that the provision reflected the situation of many contract workers which needed to be addressed. In expressing her support for the substance of the Office text, the Government member of Cyprus asked for clarification of the meaning of the word "measures". The Government members of Portugal and the Philippines, in opposing the amendment, said that such measures could include repatriation and medical costs and the provision of legal assistance to migrant workers unable to pay for it themselves. The Government member of Austria pointed out that, in the European Union, a Directive had recently been adopted concerning the posting of workers in the framework of the provision of services, which provided for certain guarantees for workers in such situations. In response to the question raised by the Government member of Cyprus, a member of the secretariat said that the matter was dealt with in such instruments as the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the objective being to treat the matter from different angles (sending and host countries). The Government members of Australia and the United Kingdom said that the wording of Point 26 was ambiguous on this point, an observation which was further developed by the Government member of Canada who noted that in addition the words "their own" at the end of the English version of Point 26 could refer to either the "Members" or the "contract workers", whereas the French version of the text could refer only to "contract workers". In response to a question from the Government member of Japan as to whether the Office text referred to sending or host countries, the representative of the Secretary-General said that the provision did not specify which countries. The Government member of Switzerland said that it was the host country that should provide the respective protection. The Government member of Colombia said his Government had problems with the Point, for reasons similar to those given by the Employer Vice-Chairperson. In the light of the lengthy debate in which various possible formulations had been put forward informally to clarify the matter, the Employer members agreed to withdraw the amendment, on the understanding that the wording and the matter of which country could be settled by the Drafting Committee.

176. A compromise text on the substance of two amendments proposed by the Worker members to delete the words "as appropriate" from Point 26 and to add at the end of the same Point the words "not less favourable than that provided to national contract workers" was then accepted by the Committee. The new formulation of Point 26 read as follows: "Members should take measures, as appropriate, to provide protection to contract workers from other countries who perform work in the Member's country." Point 26, as amended, was adopted.

Proposed new point

177. The Worker members introduced an amendment to add a new point after Point 26 as follows: "Member States should require user enterprises to consult with the organizations of workers who might be affected by the use of contract labour prior to resorting to the use of contract labour." The Employer members opposed the proposal, saying that it introduced a totally new concept which had not arisen in the replies to the Office questionnaire or in the drafting of the proposed instruments. It was an extremely restrictive measure and rather than protecting contract workers it would actually extend protection to workers in general, which was totally unacceptable. Following opposition from several Government members, namely China, the Government members of the Member States of the European Union, Norway and Switzerland, the Worker members withdrew their amendment on the understanding that the matter be revisited in the next discussion.

178. The Committee therefore adopted the Proposed Conclusions with a view to a Recommendation (Points 15 to 26, as amended). It referred the Proposed Conclusions as adopted to its Drafting Committee.

Adoption of the report

179. At its 16th sitting, the Reporter submitted the report to the Committee for consideration. The Committee unanimously adopted the report, including the Proposed Conclusions, subject to minor amendments requested by a few members.

180. The Government members of Chile and Colombia queried whether the Spanish text of clauses (b), (f), (g) and (i) of Point 18(4) was consistent with the English version, since the English version read "whether" whereas the Spanish read "whether or not". As the text of the Proposed Conclusions had already been adopted by the Committee, this concern could not be immediately addressed; however, a member of the secretariat informed the Committee that these comments would be taken into consideration and the necessary adjustments made to the Spanish text in the course of preparing the next Office report on this agenda item.

181. The Employer Vice-Chairperson recalled his opening remarks, in particular the fact that the Employers' group had been implacably opposed to the adoption of new standards on contract labour. He regretted that nothing had happened in the course of the discussions to alter their view: they remained convinced that contract labour was not a suitable subject for standard setting for the reasons he had set out in his opening statement. He went on to enumerate their particular remaining difficulties regarding the proposed instruments: the definitions, the concept of dependency and subordination, the introduction of the notion of equality of treatment between contract workers and regular employees, the apportionment of responsibilities, licensing, and the non-replacement of striking workers. The Employer members were also concerned that many Government members had not participated actively in the voting regarding key points, since a large number were absent or abstained from voting; consequently, some of the key points had been decided against the Employer members' views by a very small majority, which in their view could not be characterized as true tripartism. He surmised that many of the Governments who had voted in favour of a Convention had no intention of ratifying it. He observed that many Government members had voted in favour of a Convention to provide an opportunity to see whether a satisfactory instrument could be developed. The Employer members were certain that many Government members would revise their position on this point. He assured the Committee that his group would remain firm during the next discussion of this agenda item.

182. The Worker Vice-Chairperson remarked that from the outset the Workers' group had indicated the problems it perceived with the Office text; while all these problems had not been resolved in the course of the Committee's deliberations, the Committee had identified the problem areas and positive efforts had been evidenced to reach a compromise on some important issues and to keep open the possibility of further discussion. The Worker members were of the view that through the continuation of this process of discussion and compromise during the second discussion of this item, a practical and ratifiable instrument would be developed. He expressed his group's satisfaction that the Employer members, despite their difficulties, had continued to participate actively in the work of the Committee in the spirit of tripartism.

183. The Government member of Peru expressed his Government's appreciation for the tripartite spirit in which the discussions had been held, resulting in the emergence of consensus from among a plurality of views. The Government member of the Netherlands, speaking on behalf of the Member States of the European Union, commented that the discussions had been fruitful, particularly in identifying the problems which an instrument on contract labour could present. The Governments he represented looked forward to another thorough and broad-ranging debate during the second discussion. Speaking on his own behalf, he endorsed the concerns of the Employer members regarding the low participation rate of the Government members, and expressed his hope that this problem would be surmounted next year.

184. The Government member of the United States noted that the Committee had had to deal with the very sensitive and difficult issue of ensuring labour and other protection for contract workers while maintaining an element of flexibility so as not to be too restrictive. He recalled the need for any instrument to be sufficiently flexible to take into account national law and practice in order to be capable of being ratified and implemented by governments. The Government member of India expressed his Government's satisfaction with the level of consensus reached on this important subject, and noted that any instrument adopted would have an impact on the working conditions of millions of workers, particularly in the informal and unorganized sector.

185. In closing, the Chairperson thanked the members of the Committee for addressing this contentious issue in an atmosphere of congeniality. He suggested that the remaining differences among the Committee members were superficial in nature, and that everyone agreed with the basic assumptions that it was important to protect workers while not losing sight of the importance of promoting efficiency and competitiveness; striking the right balance was the key.

186. The Committee submits its report, the Proposed Conclusions and the attached resolution to the Conference for consideration.

Geneva, 16 June 1997. (Signed) G.H. Johannes,
Reporter.

PROPOSED CONCLUSIONS

A. Form of the instruments

1. The International Labour Conference should adopt standards on contract labour.

2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Conclusions proposed with a view to a Convention

I. PREAMBLE

3. The Preamble should recognize that, having regard to the growing recourse to contract labour, it would be appropriate to adopt new standards on the subject with a view to ensuring that contract workers enjoy adequate protection.

II. METHODS OF APPLICATION

4. The provisions of the proposed Convention should be applied by means of laws or regulations or by any other means consistent with national practice, such as court decisions, arbitration awards or collective agreements.

III. DEFINITIONS

5. For the purposes of the proposed Convention:

(1) The term "contract labour" should mean work performed for a natural or legal person (referred to as a "user enterprise") by a person (referred to as a "contract worker") where the work is performed by the worker personally under actual conditions of dependency on or subordination to the user enterprise and these conditions are similar to those that characterize an employment relationship under national law and practice and where either:
   (a) The work is performed pursuant to a direct contractual relationship between the worker and the user enterprise; or
   (b) the worker is provided for the user enterprise by a subcontractor or an intermediary.

(2) The term "subcontractor" should mean a natural or legal person who performs work for a user enterprise under a contractual arrangement with it, other than a contract of employment.

(3) The term "intermediary" should mean a natural or legal person who makes contract workers available to a user enterprise without becoming formally the employer of these workers.

IV. SCOPE

6. The proposed Convention should apply to all branches of economic activity and to all contract workers. It should not apply to workers who, in accordance with national law and practice, have a recognized contract of employment with the user enterprise. It should not apply to employees of private employment agencies who are made available to a user enterprise to perform contract labour.

7. The competent authority, after consulting the most representative organizations of employers and workers, may exclude from the scope of the proposed Convention or from all or any provisions of its Part V:

(a) other particular categories of contract workers who otherwise enjoy adequate protection; or

(b) particular branches of economic activity when the application of the Convention in respect of them would raise special problems of a substantial nature.

8. A Member which ratifies the proposed Convention should specify, in its first report under article 22 of the Constitution of the International Labour Organization, any exclusion of which it avails itself under Point 7, and give the reasons therefor.

V. CONTENT OF THE PROPOSED CONVENTION

9. The Member should ensure that adequate measures, in accordance with national law and practice, are taken to prevent accidents and injury to the health of contract workers arising out of, linked with or occurring in the course of contract labour.

10. Measures should be taken, in accordance with national law and practice:

(a) to provide adequate protection in relation to the payment of:

  (i) amounts due to contract workers for the work performed; and

  (ii) any social insurance contributions payable on behalf of such workers in relation to this work;

(b) to ensure that the responsibilities for fulfilling the financial obligations envisaged in Clause (a) above are clearly determined; and

(c) to ensure that contract workers receive compensation in case of injury or disease resulting from the performance of contract labour.

11. The Member should promote equality of treatment between contract workers and workers with a recognized employment relationship, taking into account the conditions applicable to other workers performing work which is essentially similar, under similar conditions.

12. (1) Measures should be taken to ensure that contract workers receive the same protection as workers with a recognized employment relationship with regard to:

(a) the right to organize and the right to bargain collectively;

(b) freedom from discrimination in employment and occupation on the basis of race, colour, sex, religion, political opinion, national extraction or social origin;

(c) minimum age.

(2) Measures should be taken, as appropriate, to ensure that contract workers enjoy adequate protection as regards:

(a) working time and other working conditions;

(b) maternity protection;

(c) occupational safety and health;

(d) remuneration;

(e) statutory social security.

13. The Member should take measures to ensure that rights or obligations under labour or social security laws or regulations are not denied or avoided when contract labour is used.

14. Effective measures appropriate to the manner in which effect is given to the provisions of the proposed Convention should be taken to ensure the proper application and enforcement of regulations or provisions concerning contract labour by means of adequate inspection or otherwise.

15. Adequate remedies, including penalties where appropriate, should be provided for and effectively applied in case of violations of the regulations or provisions referred to in Point 14.

16. The provisions of the proposed Convention should not affect more favourable provisions under other international labour Conventions applicable to the workers concerned.

C. Conclusions proposed with a view to a Recommendation

I. General provision

17. The provisions of the proposed Recommendation should supplement those of the proposed Convention and should be applied in conjunction with them.

II. Definitions

18. For the purposes of the proposed Recommendation:

(1) The term "contract labour" should mean work performed for a natural or legal person (referred to as a "user enterprise") by a person (referred to as a "contract worker") where the work is performed by the worker personally under actual conditions of dependency on or subordination to the user enterprise and these conditions are similar to those that characterize an employment relationship under national law and practice and where either:

  (a) the work is performed pursuant to a direct contractual relationship between the worker and the user enterprise; or

  (b) the worker is provided for the user enterprise by a subcontractor or an intermediary;

(2) the term "subcontractor" should mean a natural or legal person who performs work for a user enterprise under a contractual arrangement with it, other than a contract of employment;

(3) the term "intermediary" should mean a natural or legal person who makes contract workers available to a user enterprise without becoming formally the employer of these workers;

(4) in determining whether the conditions of dependency or subordination referred to in paragraph (1) above are met, a Member could consider one or more criteria, including but not limited to, the following:
   (a) the extent to which the user enterprise determines when and how work should be performed, including working time and other conditions of work of the contract worker;
   (b) whether the user enterprise pays amounts due to the contract worker periodically and according to preestablished criteria;
   (c) the extent of supervisory authority and control of the user enterprise over the contract worker in respect to the work performed, including disciplinary authority;
   (d) the extent to which the user enterprise makes investments and provides tools, materials and machinery, among other things, to perform the work concerned;
   (e) whether the contract worker can make profits or run the risk of losses in performing the work;
   (f) whether the work is performed on a regular and continuous basis;
   (g) whether the contract worker works only for a single user enterprise;
   (h) the extent to which the work performed is integrated into the normal activities of the user enterprise;
   (i) whether the user enterprise provides substantial job-specific training to the contract worker.

III. CONTENT OF THE PROPOSED RECOMMENDATION

19. Appropriate measures should be taken to ensure that contract workers are informed, in an appropriate and easily understandable manner, about their conditions of work and amounts due to them, including how these amounts will be determined.

20. Measures should be taken, as appropriate, to ensure that contract workers are afforded equal treatment with employees of the user enterprise or, as the case may be, with employees of the subcontractor or of the intermediary, for performing work which is essentially similar, under similar conditions and requiring similar qualifications.

21. In specified circumstances (for example, where contract labour is used mainly or solely for the purpose of denying rights or avoiding obligations under labour or social security laws and regulations), contract workers should be assimilated to employees of the user enterprise or, as the case may be, to employees of the subcontractor or of the intermediary.

22. In accordance with national law and practice, contract workers should not be made available to a user enterprise to replace workers of that enterprise who are on strike.

23. Measures should be taken to ensure that contract workers may refuse to perform work which they have reasonable justification to believe poses a serious danger to their safety and health.

24. (1) National law and practice might apportion responsibility between the subcontractor (or the intermediary, as the case may be) and the user enterprise for fulfilling obligations toward contract workers, taking into account the extent of the workers' dependency on or subordination to them.

(2) When the party responsible for fulfilling the obligations referred to in subparagraph (1) does not meet them, the other party, where appropriate, should be made responsible for doing so.

25. To the extent provided for by national law, financial obligations toward a contract worker might be jointly and severally shared by the subcontractor or by the intermediary and the user enterprise, or among all of them, as the case may be.

26. In the event of insolvency of the user enterprise, the subcontractor or the intermediary, the outstanding claims of a contract worker should be given the same priorities as those established by national law and practice with regard to a worker's claims against his or her employer.

27. (1) Recourse to contract labour might, in accordance with national laws and regulations, be subject to an obligation incumbent on the subcontractor or the intermediary to register with or to obtain a licence from the competent authority.

(2) Registration or licensing might depend upon the subcontractor or the intermediary demonstrating its viability and capacity to meet its obligations toward contract workers, or posting a bond sufficient to cover its obligations to such workers.

28. (1) Measures appropriate to national conditions should be taken, where necessary, to encourage collective bargaining as a means of determining and improving the terms and conditions of work of contract workers.

(2) Any obstacles to the exercise of the right of contract workers to join organizations of their choice and to participate in the activities of such organizations should be identified and eliminated.

29. Members should, where possible, compile, keep up to date and make publicly available statistics and other information on contract labour.

30. The Member should take measures, as appropriate, to provide protection to contract workers from other countries who perform work in its territory.

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Contract labour"

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the sixth item on the agenda;

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and a Recommendation concerning contract labour;

Decides that an item entitled "Contract labour" shall be included in the agenda of its next ordinary session for a second discussion regarding the proposed adoption of a Convention and a Recommendation concerning contract labour.

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Provisional Record

Eighty-fifth Session, Geneva, 1997

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Third Item on the Agenda: Information and Reports on the Application of Conventions and Recommendations

Report of the Committee on the Application of Standards

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Report of the Committee on the Application of Standards

PART ONE

GENERAL REPORT

A. Introduction

1. In accordance with article 7 of its Standing Orders, the Conference set up a Committee to consider and report on item III on its agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of 237 members (117 Government members, 32 Employer members and 88 Worker members). It also included 15 Government deputy members, 44 Employer deputy members and 102 Worker deputy members.[1] In addition, 44 international non-governmental organizations were represented by observers.

2. The Committee elected its Officers as follows:

Chair: Mr. A. Callorda Salvo (Government member, Uruguay);

Vice-Chairs: Mr. A. Wisskirchen (Employer member, Germany); and Mr. W. Peirens (Worker member, Belgium);

Reporter: Ms. E.-C. Mihes (Government member, Romania).

3. The Committee held 19 sittings.

4. In accordance with its terms of reference, the Committee considered the following: (i) information supplied under article 19 of the Constitution on the submission to the competent authorities of Conventions and Recommendations adopted by the Conference; (ii) reports supplied under articles 22 and 35 of the Constitution on the application of ratified Conventions; and (iii) reports requested by the Governing Body under article 19 of the Constitution on the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978.[2]

5. As usual, the Committee began its work with a discussion of general aspects of the application of Conventions (particularly ratified Conventions) and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution. It then discussed the General Survey made by the Committee of Experts on the Application of Conventions and Recommendations on labour administration. Following that, the Committee considered various individual cases relating to the application of ratified Conventions or compliance with the obligations to supply reports and to submit Conventions and Recommendations to the competent national authorities.

6. The examination of those cases, which is the essential work of the Committee, was based principally on the observations contained in the report of the

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[1] For changes in the composition of the Committee, see the reports of the Selection Committee, *Provisional Record* Nos. 6 to 6J.

[2] Report III to the International Labour Conference — Part 1A: Report of the Committee of Experts on the Application of Conventions and Recommendations; Part 1B: Labour Administration.

Committee of Experts and the oral and written explanations provided by governments concerned. The Committee also referred to its discussions in previous years, comments received from employers' or workers' organizations and, where appropriate, the reports of other supervisory bodies of the ILO and other international organizations. In view of the short time available, the Committee made a selection among the Committee of Experts' observations and thus discussed a limited number of cases. The Committee trusts that those governments will pay close attention to the requests of the Committee of Experts and will not fail to take the measures required to ensure fulfilment of the obligations they have undertaken. A summary of the information supplied by governments, the discussions in the present Committee and any conclusions it has drawn is set out in Part Two of this report.

7. The Worker members stated that they had approved the draft list of cases after much discussion. The choice of priority cases to be discussed was always a difficult exercise, in view of time constraints on the one hand and the great number of problems of application on the other. They had based their choice on a number of criteria, including the nature of the comments made by the Committee of Experts; the existence of footnotes in the report; the scope and quality of government replies reproduced in the report, or the absence of such reports; the discussion and conclusions of the Committee in previous years; the comments received from the workers' and employers' organizations; the reports of other supervisory bodies of the ILO or from other international organizations; recent developments; and the statements of the Worker members during the adoption of the list the previous year. A balance also had to be achieved between regions and Conventions, with the concern to discuss not only fundamental Conventions, but also the problems and trends in application of the so-called "technical" Conventions. In view of the great number of footnotes requesting that information be supplied to the Conference, it appeared impossible to discuss all the cases. In approving the draft list, the Worker members wished to make certain important remarks for the Committee of Experts, the ILO, the governments concerned and the present Committee. In the first place, there were cases that the Worker members would like to be raised again at the next session if no real progress was registered in the meantime. They urged the Committee of Experts to repeat its comments on the application of these Conventions in these cases: Afghanistan (Convention No. 111); Djibouti (Convention No. 87); Ecuador (Convention No. 87); Ethiopia (Convention No. 87). In another case, the Committee of Experts should monitor the implementation of compensatory measures, which should be taken by the Government preferably in consultation with organizations representing the victims (Japan, Convention No. 29). Finally, the Worker members noted that, as a representation procedure under article 24 of the Constitution was under way, the case could not be included on the list this year (Russian Federation, Convention No. 95).

8. The Employer members recalled that the Standing Orders set out the task of the Conference Committee, which was to examine reports by member States on measures taken to improve the application of ratified Conventions. However, in practice, it was impossible for the Committee to examine all such reports. A decision therefore had to be taken on which cases, due to lack of time, would not be examined by the Committee. This resulted in the establishment of a list of the cases that would be examined. Although the Employer members would have preferred to examine more cases, they were prepared to accept the proposed list. In response to the comments by the Worker members concerning the criteria for the choice of cases to be examined, the Employer members noted that these could not always be precise and it was understandable if not everyone was entirely pleased with the results of the selection procedure. There had been an especially large number of footnotes in the report of the Committee of Experts requesting reports from governments on ratified Conventions. The Conference Committee almost always took these footnotes into account when selecting the cases that it would examine. The Employer members noted in this respect that the Conference Committee, in exercise of its sovereign right, had clearly changed its practice for the selection of the cases to be examined this year.

B. General questions relating to international labour standards

Introduction: General aspects of the supervisory process

9. The Committee was pleased to welcome Sir William Douglas, who chairs the Committee of Experts. Sir William thanked the Committee, on behalf of the Committee of Experts, for renewing the invitation for him to attend as an observer. He would transmit the views expressed during the general discussion to his Committee, where they would assist in the formulation of observations on ratified Conventions. His Committee valued this arrangement, which helped ensure the smooth and effective functioning of the ILO's supervisory machinery and would continue to pursue a constructive dialogue with the Conference Committee. Topics of current concern included employment policy and the employment and social problems arising from globalization of markets and transition of some countries to a market economy; the need to preserve the stability and effectiveness of social security systems in a climate of reduced public funding; problems as to the payment of wages, involving contravention of the Protection of Wages Convention, 1949 (No. 95); and the application of the Forced Labour Convention, 1930 (No. 29), where measures could be taken by States within their respective jurisdictions to prevent particular forms of exploitation of children. His Committee had systematically referred to the views expressed by employers' and workers' organizations. The *General Survey on Labour Administration* noted that Convention No. 150 was of a promotional nature but had only 39 ratifications, in comparison with the Labour Inspection Convention, 1947 (No. 81), which had 119 ratifications and represented an important element in any system of labour administration. The Committee of Experts hoped by emphasizing the flexibility of the Convention to encourage countries with both highly developed and less well-developed systems of administration to ratify and introduce innovations to respond to the demands of complex and changing economic, technological, social and political environments. Sir William looked forward with interest to the present Committee's deliberations.

10. The Committee noted the indications of the representative of the Secretary-General concerning the respective functions of the Conference Committee on the Application of Standards and other supervisory bodies, detailed in the widely translated and distributed *Handbook of procedures relating to international labour Conventions and Recommendations*. The Committee of Experts examined governments' reports from a technical and legal standpoint, the present Committee attempting to find solutions through dialogue from both a legal and a political perspective. The procedure for representations under article 24 of the Constitution made for a heavy workload recently; the Governing Body's tripartite Committee on Freedom of Association had handled a total of over 1,900 cases since 1951. The Office was pursuing its efforts to ensure the supply of reports under the procedures adopted by the Governing Body in 1993, especially through the assistance provided in the regions by the multidisciplinary advisory teams (MDTs) and in cooperation with national organizations of employers and workers. It would carry out a study of this problem and its solution. The Committee was informed in particular of progress in the ratification and application of Conventions; and of recent discussions in the Governing Body especially concerning possible strengthening of the supervisory procedures, standard-setting policy and the revision of standards.

11. The Government member of France, Chair of the Working Party on Policy regarding the Revision of Standards of the Governing Body Committee on Legal Issues and International Labour Standards, said that, for the policy on the revision of standards to achieve the desired success, all governments and social partners should participate in the process. He was sure that the members of the Committee would contribute to implementing the decisions of the Governing Body concerning the revision of standards in their respective countries. The present session of the Conference would in particular discuss a possible amendment to the ILO Constitution to enable abrogation of Conventions which have lost their purpose or no longer make a useful contribution to attaining the objectives of the Organization.

12. The Employer members, after welcoming the presence of the Chair of the Committee of Experts, recalled that the role of the Conference Committee remained unchanged, in accordance with article 7 of the Standing Orders of the International Labour Conference. However, the substance and main emphasis of its work had to change considerably in view of the major upheavals that were now occurring. Change at the current time was even greater than that experienced in 1989 and 1990. It involved innovations in the technological, economic and other fields, including social policy, which would have a greater influence on every individual than even the changes of 1989 and 1990. Although the ILO and the Conference Committee might give the impression of being only slightly affected by such far-reaching change, they could not stand still. It was encouraging that Members of the ILO were no longer willing to accept that things should always be as they always had been. It was sensible and useful to call for greater transparency and to measure activities by their results. This re-evaluation of values would have an important effect on the priorities of the Organization.

13. The Worker members thanked the Chair of the Committee of Experts for having once again accepted the invitation to observe the work of the present Committee. There were, both in the general part of the report of the Committee of Experts and in its examination of individual cases, numerous prominent references to discussions and conclusions of this Committee, and this highlighted the importance of the dialogue between the two bodies, which had become more intense in the last few years. The Workers were convinced that the complementarity between objective legal analysis on the one side and tripartite dialogue on the other explained the success of the supervisory system, and that it was on this basis that measures should be sought to strengthen it. They looked forward in the present Committee to constructive dialogue with the Employers and Governments: the report of the Committee of Experts was an excellent starting-point to ensure the quality and seriousness of the work, the value of which was measured by concrete impact on the conditions of life and work of workers throughout the world.

14. Several speakers referred to the question of credibility. The Government member of Cuba saw the Committee of Experts' principles of independence, objectivity and impartiality as the guarantee of credibility in the standard-setting and supervisory work of the ILO, and this credibility must be strengthened and broadened, especially in the light of the Director-General's new proposals. The Government member of Kenya and the Worker member of the Netherlands also emphasized the importance of these principles. Others saw the ILO's credibility tested in governments' denunciations of Conventions (the Worker member of New Zealand); in developments in export processing zones (the Government member of Sweden (speaking on behalf of the Nordic countries)); and in strengthening of the observance of fundamental human rights instruments (the Government member of Portugal). The effectiveness of the supervisory system could be enhanced, for example, said the Government member of Canada, the Worker member of the Netherlands and the representative of Education International, by giving the Committee of Experts and the Conference Committee greater publicity and transparency and improving their external communications value. The Worker member of Italy also noted that the Committee of Experts' report enabled legal and political pressure to be brought to bear.

15. The Government member of Saudi Arabia thought the present Committee, with its specific knowledge of standards, particularly well suited to reach positive and practical solutions in the context of the plenary discussion of the Director-General's Report on *The ILO, standard setting and globalization*. At the same time, the Worker member of Colombia said that globalization, deregulation and privatization made the task of the Committee of Experts harder than before. The Government member of Sweden (speaking on behalf of the Nordic countries) considered that the supervisory process for all Conventions should be brought closer to the mainstream of the Organization's activities.

16. The Worker member of the Netherlands remarked how helpful it was to receive the report of the Committee of Experts so early, and thought the ILO supervisory system exemplary, when compared with that of other bodies of the UN system. Other specific recommendations for improvement were made. The Government member of Belgium suggested that the report of the present Committee should be constructed in a different fashion, supplemented by a shorter, more manageable and more political document which would refer to the report of the Committee of Experts, but also give the gist of the political message of this Committee concerning the application of standards. The Worker member of the United States said that, since the Director-General suggested in his Report that this Committee might have a future role to play in the strengthening of the ILO's supervisory machinery for the fundamental human rights Conventions, this might have a further impact on the number of individual cases reviewed here each year if this idea were implemented. The Worker member of Burkina Faso noted it would be useful to ensure greater representation of women at the Conference. The

Government member of Saudi Arabia regretted the departure from the Committee of Experts of its only Arab, Muslim female member: he called for a similarly qualified replacement and considered that ILO staff working in this area should also represent a geographical and cultural balance, in order to ensure objectivity and neutrality.

17. The Government member of the United States noted that a significant portion of the Conference agenda was focused on standards activities: this Committee's work; the Report of the Director-General; the Standing Orders Committee (which was considering a constitutional amendment regarding standards); and the standard-setting activities in three technical committees. Given these activities, one very important priority for the ILO was to move toward a more regular sharing of information among all its bodies dealing with standards, and to provide a thorough analysis of the outcomes of the various processes. The purpose of such a comprehensive analysis would be to guide the Governing Body and this Committee in ascertaining the most effective means, not only of setting new standards, but also of reporting, supervision and technical assistance for reaching the goal of universal ratification and application of ILO standards. Paragraph 48 of the Committee of Experts' report referred to the Director-General's initiative with regard to ratification of fundamental labour standards. The Director-General had asked member States for increased reporting on barriers to their ratification of the fundamental standards, the article 19 process had been intensified for those Conventions, and reporting on ratified fundamental standards continued to be required on the most frequent basis. Each of those reports went its own way in separate processes, some to the Governing Body, some to the Committee of Experts. The Office should produce an analysis of the said reports with a view to finding common themes in the observations of non-compliance by the Committee of Experts, the barriers to ratification identified by member States, the comments made in general discussions on the report and the General Survey in this Committee and the conclusions reached here on core labour standards cases. Such an analysis could then be discussed in the Committee of Experts, this Committee and the Governing Body. The General Surveys could include more information on common barriers to ratification and implementation with regard to the core labour standards. He fully agreed with the Worker members that analysis of the reasons why member States were not reporting was more important than a mere listing of delinquent reports.

Fulfilment of reporting obligations, and ratification and denunciation of Conventions

18. The Employer members said the work of the Conference Committee was based on the reports received from governments evaluating the measures that they had taken to give effect to their obligations under the ILO Constitution and the Conventions that they had ratified. The Committee's work was also largely based on the report of the Committee of Experts which, although it had been shorter over recent years, seemed to have increased in length once again. This was partly linked to the increased number of member States and ratifications. However, the willingness of member States to fulfil their obligations to submit reports promptly and fully did not appear to have followed suit. Although the overall number of ratifications sounded impressive, it was not so significant in practice. This stagnation in the ratification of the Conventions adopted over the past ten to 15 years showed the increasing reluctance of member States with regard to these instruments. This created a need for careful examination by the Office, as noted in the Report of the Director-General to the Conference.

19. The Employer members noted that the ratification and denunciation of Conventions were matters for member States to decide upon. However, it was necessary to examine the reasons that led member States to decide to denounce Conventions that they had ratified. The long interval of ten years between the possibilities to exercise the right to denounce Conventions in practice tended to precipitate hasty decisions to denounce them. Therefore it would be more effective to make contact between ILO officials and governments concerned in order to discuss with member States the reasons for the intended denunciation. Such long intervals also encouraged a type of internal denunciation, which consisted of overt non-compliance with the provisions of ratified Conventions. In particular, the difficulty involved in denouncing Conventions made governments more wary of ratifying them.

20. With reference to the information provided in the report on compliance with reporting obligations, the Employer members noted in particular that only 63.3 per cent of the reports requested on ratified Conventions had been received. This was a very disappointing result, particularly in view of the fact that by decision of the Governing Body in 1993 the reporting obligations had been lightened through a lengthening of reporting periods. The intention had been to allow governments to fulfil their obligations more easily and more completely. The whole supervisory structure depended on their compliance with these obligations. However, this unsatisfactory outcome was not a reason to return to the old system. Indeed, the Committee of Experts should perhaps be more restrained in requesting additional reports. When requesting additional reports outside the normal reporting cycle, the Committee of Experts should take care not to increase the reporting burden on member States unduly, which would run counter to the Governing Body's decision of 1993. Where governments experienced difficulty in complying with their reporting obligations, they should request assistance from the MDTs.

21. The Worker members said that, as changes in the supervisory procedures were already in place, a first evaluation of the results could be made. The functioning of the supervisory system largely depended on reports being sent on time. In spite of the reform, the situation was not encouraging: the proportion of reports received at the end of the Committee of Experts' session decreased in comparison with previous years, continuing a negative trend; the great majority of reports arrived late, and the improvement registered in 1996 was not repeated. Reports were often incomplete, and an increasing number of the Committee of Experts' comments were left without reply: in many cases, as it appeared from the second part of its report, the Committee could not but repeat its previous observations. These failures by governments impeded the working of the whole of the supervisory system. This evaluation called for three remarks. First, the majority of the governments supplied reports, information and replies requested: this should be noted even if *all* governments had to respect their obligations in this respect. Secondly, the reform of 1993 was aimed at reducing the workload on national administrations by reducing the numbers of reports requested and concentrating supervision on specific problems of application; if, then, implementation of the reform did not enable concentration on the real problems, it made no contribution at all. Thirdly, the reform involved bringing forward the date of publication of the report of the Committee of Experts, in order to improve preparations for the Conference; but, if the Committee of Experts did not have the necessary information, preparation for the Conference became even more difficult. The Governing Body and the Committee of Experts should as soon as possible analyse the causes of this deterioration. The evaluation referred to by the representative of the Secretary-General, should take into account the impact that this may have on tripartite consultations at the national level during the preparation of reports. One could also inquire whether these malfunctions were to be explained by problems of timing or the workload on administrations; or whether they were also caused by structural reasons and linked to a lack of political commitment. As the Committee of Experts pointed out in its General Survey, labour administration had an essential role to play in ensuring observance of this obligation and therefore had to have at its disposal sufficient resources. The use of multidisciplinary teams suggested by the Committee of Experts in this connection should also be supported.

22. The Worker members noted the importance of the tripartite consultations on standards required by the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the ILO Constitution. The Committee of Experts observed that the number of ratifications of Convention No. 144 had doubled since the General Survey of 1982, and all countries ought to ratify it to implement the constitutional principle of tripartism. Similarly, the number of comments on governments' reports received from organizations of workers and, to a lesser extent, employers had been considerably increasing in recent years. In view of the lengthening of the reporting cycle, they now had a more important role because they could provoke a request for a report outside the normal cycle — something which was in fact happening more frequently.

23. In the Worker members' view, the attitude of certain governments which contemplate denouncing a Convention instead of constructively responding to the observations of the Committee of Experts, was a matter of concern. The denunciation by Brazil of Convention No. 158, which it ratified less than two years ago, was unacceptable and, as pointed out by the Committee of Experts, motivated in a contradictory manner. It pointed to the lack of due attention to social policy; and it was doubtless inspired by the fact that observations were transmitted to the Committee of Experts by the trade union organizations and that an article 24 representation was declared receivable by the Governing Body. None the less, observations and complaints were procedures foreseen by the Constitution of the ILO. Making use of these procedures was completely normal.

24. The Government member of Djibouti recalled the effect that economic crisis had on a developing country's ability not just to send reports but to participate as it would wish in ILO activities in general. The Government members of Sri Lanka and the United Republic of Tanzania both pointed to the delays experienced in obtaining information from different government agencies as causes of reporting failure. The latter reminded the Committee that several of the countries mentioned by the Committee of Experts in respect of obligations under articles 19 and 22 of the Constitution were plagued by internal strife: the Committee of Experts could in future consider referring to such problems, which go far beyond the mere financial, administrative and technical difficulties faced by other countries. The Worker member of the United Republic of Tanzania said that a tripartite approach along the lines of Convention No. 144 could help strengthen national labour ministries' capacity in regard to international labour standards. The Government member of Cuba remarked that the ILO's multidisciplinary teams could be especially effective in helping governments fulfil their reporting obligations, something which is so vital to the supervisory machinery.

25. The Government member of Kenya and the Worker member of Sweden endorsed the comments made in paragraph 94 of the Committee of Experts' report and called on all member States to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

26. The Worker members of the Netherlands and Sweden observed that, although the reporting burden on governments had been lightened, there seemed to be no improvement in performance: after the first detailed report, subsequent ones might only need to be quite brief, and the real burden involved in fulfilling these obligations was questioned. A Worker member of Germany stressed the importance of maintaining the power of the Committee of Experts to request reports outside the new five-year cycle applicable to most Conventions, although the Government member of Germany had reservations as to excessive use of that power. The Worker member of the Russian Federation said that governments' reports were often not copied to employers' and workers' organizations; and the Worker member of the United Kingdom called for governments' reports to be full and punctual, allowing the social partners time to consult and to make comments themselves.

27. Regarding ratification of the fundamental Conventions, the Government member of China thought that some promotional measures could be taken, but that the mere pursuit of numbers of ratifications gave rise to problems. Standards were of great significance to humanity and deserved universal acceptance by the international community, but cultural traditions, levels of economic development and the capacity for the observance of standards differed from country to country. The great majority of member States recognized the role of international labour standards in achieving international growth and social progress, but for developing countries the ratification and application of standards would be achieved step by step in the light of progress being made; it was not a good approach to exert pressure for uniformity, but instead to give practical assistance to developing countries in carrying out various standards-related activities, including promotional publicity, research, policy advice, formulating workplans for the ratification of Conventions, and assistance in the field of labour legislation. His Government had been making steady progress towards the ratification of standards, with assistance from the Office in recent years through lectures and seminars at both the provincial and national levels and training of officials and representatives of trade unions and employer groups. These efforts had produced notable effects as China had a greater understanding of international labour Conventions. Measures had been adopted for the revision of national laws and regulations so as to ensure the concrete implementation of ratified Conventions. Some problems remained: size and population presented serious constraints, the inspection machinery was hard to manage, and collecting statistical data was difficult. Yet broad prospects continued for cooperation between his Government and the ILO.

28. Several Worker members called for new ratifications. The Worker member of Thailand hoped his country would ratify the five unratified fundamental ILO Conventions. A Worker member of Brazil hoped the Republic of Korea would ratify the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Worker member of the Russian Federation hoped his country would ratify the Abolition of Forced Labour Convention, 1957 (No. 105). The Worker member of the Netherlands, with regard to the question of the ratification of international labour standards by the European Union, noted that decisions to ratify were taken by individual member States, and those who claimed that the countries in the European Union were facing similar problems with regard to the ratification of international instruments as federal States had misunderstood the situation.

29. As regards denunciations, the Worker member of New Zealand stated as to his own country's non-compliance with the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42), that the Committee of Experts had been patiently urging the Government for the past 23 years to take the necessary steps to ensure full compliance. All that was needed was a minor legislative or policy step to introduce a presumptive schedule for certain occupational diseases. The Government had at times indicated that compliance was imminent, although it had not given effect to this commitment in practice. The situation was aggravated by the fact that the Government was now considering denunciation of the Convention. Protracted failure to comply with the provisions of ratified Conventions raised serious questions about the adequacy of the supervisory machinery. It had to be regarded as a very serious matter by the Conference Committee when any government which had ratified a Convention later decided to denounce it, despite its continued relevance in protecting workers. This was even more serious when denunciation was decided upon to avoid compliance and to avoid apparently unwelcome requests for action by the Committee of Experts. He therefore welcomed the suggestion by the Employer members that, where denunciation was being contemplated, contact should be made with the government concerned by ILO officials. Technical advice and assistance could well result in the avoidance of the unfortunate step of denunciation.

30. The Worker member of Brazil referred to paragraph 15 of the Committee of Experts' report and regretted that the Government of his country had denounced the Termination of Employment Convention, 1982 (No. 158), claiming that this Convention encouraged collective disputes. The Government did not comply with the requirements of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), when it announced its decision to denounce by writing to the social partners after having taken the decision. The Government member of Brazil emphasized that the Government was dealing very seriously and correctly with the issues relating to observance of international labour standards: the denunciation of Convention No. 158 had been the result of legal and technical difficulties encountered in the course of its implementation and not because of the number of observations and criticisms formulated by workers' organizations, all of which had received an answer. He explained that prior to this denunciation, the principle of tripartite consultation had been respected, as had already been the case before the ratification of Convention No. 144.

31. The Government member of Germany said that both complaints and denunciations were perfectly legitimate. It would be preferable for States to modify legislation so as to comply with ratified Conventions; but governments would command more respect by resorting to denunciation than by aggressively contesting the findings of the supervisory bodies.

32. The Committee noted with interest information from Government members of the following countries regarding ratifications: *Belgium* (recent months had seen a move towards ratification of new Conventions, and ratification of the Night Work Convention, 1990 (No. 171), would be important for Belgium and the message it would send to the European Union); *China* (ratification of the Employment Policy Convention, 1964 (No. 122), had been approved and the Government was actively promoting the ratification of Convention No. 138 and certain other Conventions); the *Dominican Republic* (although the Minimum Age Convention, 1973 (No. 138), had not yet been ratified, consultations were under way with the social partners and technical assistance had been requested of the ILO so as to proceed in the very near future with a study of the Convention and its eventual ratification; the Safety and Health in Construction Convention, 1988 (No. 167), and the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172), had also been approved for ratification); *Egypt* (ratification of the Minimum Age Convention, 1973 (No. 138), was envisaged for when the new Labour Act comes into force); the *Gambia* (was seriously considering ratifying certain key Conventions); *Guinea-Bissau* (his Government had already submitted to the competent national authorities for ratification the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and studies were currently being carried out to examine the possibility of ratifying the Minimum Age Convention, 1973 (No. 138)); *India* (was engaged in the process of ratifying a number of other priority Conventions, including the Employment Policy Convention, 1964 (No. 122), and the Maximum Weight Convention, 1967 (No. 127); and the Abolition of Forced Labour Convention, 1957 (No. 105), would be ratified in the near future); the *Republic of Korea* (his country was considering ratifying the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Minimum Age Convention, 1973 (No. 138) in the near future; ratification of the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), was envisaged soon, after further consultations with the Office); *Lebanon* (a committee established in 1996 in the Ministry of Labour with a view to examining unratified Conventions of the ILO and the Arab Labour Organization had contemplated the possible ratification of seven ILO Conventions which would soon be submitted to the competent authorities, most of which belonged to the category identified by the Governing Body as still being of importance); the *Netherlands* (a number of Conventions were currently being considered with a view to ratification, including the instruments adopted by the Maritime Conference); *Portugal* (the Minimum Age Convention, 1973 (No. 138), would be ratified shortly after the approval of Parliament, following a recent decision of the Council of Ministers; the ratifications of the Collective Bargaining Convention, 1981 (No. 154), and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), were envisaged); *Syrian Arab Republic* (the

Minimum Age Convention, 1973 (No. 138), would be ratified when modifications of the legislation permitted).

International aspects of labour standards and human rights

33. The Employer members said that a traditional item in the report of the Committee of Experts was the contacts between the ILO and international and regional organizations concerning the implementation of human rights, and particularly on economic, social, cultural and political rights, the rights of children and minorities and protection against discrimination. This sharing of responsibility between the organizations of the United Nations system was to be welcomed. The ILO had to concentrate on its own instruments. The efforts of the Director-General to promote the ratification of the ILO's Conventions on basic human rights was also to be welcomed. These efforts had achieved some success.

34. The Worker members noted that, while standard setting in general and the application of standards in particular were at the heart of the debate at the Conference, they had also become the object of increased attention on the part of the Governing Body and other international organizations, including the World Trade Organization (WTO), with its Ministerial Conference in Singapore, and the Organisation for Economic Cooperation and Development (OECD). The work of the Governing Body on the revision of Conventions and the promotion of ratifications was characterized by the serenity and seriousness of the debate and the search for consensus, which the Worker members always considered to be of crucial importance. It was to be hoped that this work would be pursued in the same spirit of cooperation. The importance of the campaign for the promotion of the ratification of the Conventions concerning fundamental rights should also be stressed and the ILO commended for its efforts: 39 ratifications were registered following the letter of the Director-General and others were yet to come. This campaign should be pursued by means of sending out regular questionnaires to the member States asking to explain the reasons for not ratifying or postponing ratification, as well as by means of a specific technical assistance programme.

35. In the Worker members' view, despite positive developments, one had to note an incoherent attitude on the part of certain countries, enterprises and international organizations with respect to international labour standards and the objective of social justice. The Director-General, in his Report to the Conference, made a call on all the governments and international organizations to adopt a more coherent attitude. When the ministers of trade in Singapore highlighted the importance of ILO standards and objectives, ministers of finance should not approve actions and programmes in the International Monetary Fund (IMF) which contradicted those standards and objectives by increasing social exclusion and poverty and weakening systems for the administration of labour, health and education. It was the responsibility of the whole of the international community to ensure the coherence of social and economic options and to take tripartism seriously. It was disturbing to learn that certain countries tended to reject the Director-General's line of thought aimed at modernizing and strengthening standard-setting activities in conformity with the decision of the Copenhagen Summit for Social Development and with the Singapore Ministerial Declaration. On the contrary, governments should support efforts to strengthen the supervisory system and promote the fundamental Conventions. They also had to provide the

ILO with the financial resources necessary for the accomplishment of its mandate in the present more complex world.

36. The Worker members considered that cooperation with other international organizations and other supervisory systems should be pursued and reinforced; it should be real and complementary and avoid any destructive competition. The ILO had the competence and the partners necessary to complete and reinforce the efforts of the international community in favour of human rights, as was demonstrated by the fact that the UN Committee on the Rights of the Child had recently recommended ratification of Convention No. 138.

37. The Government members of Belgium, India, the Netherlands, Portugal, Saudi Arabia and Sweden (speaking on behalf of the Nordic countries) noted that the Singapore meeting had confirmed that the ILO was the appropriate body for setting and supervising labour standards. The Government member of Belgium said that, while it was important that other international institutions took an interest in labour standards, the ILO should maintain the upper hand in this debate since it enjoyed recognized expertise in the pertinent technical and political areas. The Government members of the Netherlands and India observed that protectionism had been clearly rejected at Singapore: the former stressed also the call for greater cooperation between the WTO and the ILO, while the latter pointed out that there was no justification in the Singapore Declaration for a second round of discussion to link trade and labour standards. The Government member of Saudi Arabia warned that the ILO should retain its full autonomy.

38. The Government member of Uganda reaffirmed the need for the ILO to continue its high-level and field contacts with United Nations agencies and the Bretton Woods institutions to sensitize them to ILO standards: World Bank and IMF representatives in Kampala had started consulting the Ministry of Labour and employers' and workers' organizations on labour-related matters, which was an encouraging development that should be further promoted. The Government member of the Libyan Arab Jamahiriya said new policies such as those set out by the IMF and the World Bank should not be introduced without preparation, otherwise there was a risk of negative consequences on, for example, conditions of work and social security systems. The Government member of Portugal thought the ILO should intensify its collaboration with various international organizations; and the Government member of Italy thought the present Committee a suitable channel for cooperation with UN bodies on these issues. The Government member of Guinea-Bissau was fully aware of the important role employers' and workers' organizations could play in seeking solutions to the social problems particularly of globalization.

39. The Government members of Brazil and Uganda supported the campaign initiated by the Director-General in 1995 as a follow-up to the Copenhagen Social Summit to promote the ratification of the fundamental ILO Conventions. The latter said it had been successful, but should not be limited to a few Conventions, as others were equally important, such as those concerning the protection and promotion of employment and working conditions and the environment; and such classification might give the wrong signal as regards the relationship between the so-called core Conventions and others. The Government member of Cuba was pleased that the Committee of Experts did not ignore its responsibility concerning Conventions on employment policy, social security, occupational safety and health, and the protection of wages, which were sometimes set aside due to, among other reasons, flexibility and deregulation of the labour market: even though they did not appear in the list of core Conventions, the nature of the rights protected in them had a direct bearing on social development, and one should not underestimate them. For the representative of Education International, too, the section in the Committee of Experts' report highlighting the Conventions on employment, social security, safety and health and protection of wages was a compelling refutation of those who argued that the ILO should focus only on the fundamental Conventions.

40. Several individual Worker members enlarged on their group statement, especially as regards the ILO's role in respect of trade union and other basic rights (for example, Worker members of Colombia, Guatemala, Paraguay, the United Kingdom). The Worker member of Argentina recalled the important work of the ILO's tripartite Committee on Freedom of Association, especially as regards complaints against Latin American countries occasioned by aggressive, neo-liberal policies. A Worker member of Germany stressed the indivisibility of civil and political, economic, social and cultural rights and the close relationship that should be maintained with UN and regional — especially European — organizations: the standards supervisory system was an important feature of international law on human rights. The Worker member of Italy called for the adaptation of international labour standards to the process of globalization, with guidelines as to how the Committee of Experts' comments could be satisfied. The Worker member of Pakistan said care had to be taken not to bow to the economic pressures brought by the World Bank and the IMF, whose programmes did not always take into account the basic rights of workers: the ILO's responsibility was to help ensure a safety net for workers affected by structural adjustment and deregulation imposed by the Bretton Woods institutions — a sentiment echoed by the Worker member of Senegal, who remarked that respect for international labour Conventions was essential also for democracy. The Worker member of Burkina Faso drew attention to the threat to women and other workers in countries where the World Bank and the IMF forced reversal of labour codes towards greater flexibility and precariousness of employment: cooperation with the WTO should be reinforced to ensure that globalization did not result in marginalization of the poorest countries. The Worker member of the Netherlands pointed out that in the follow-up to the Beijing Conference a gender perspective should be integrated into all ILO programmes and projects, so as to promote equality of opportunity and treatment for men and women workers. The representative of Education International said that workers were prepared to grasp globalization with both hands as the Employer members urged, so long as they were full partners in the process and it occurred within a framework where at least the fundamental labour Conventions were respected. And a Worker member of Brazil noticed that the countries which at the Singapore ministerial meeting had insisted the most that the ILO was the competent organization to deal with standards-related questions were the ones criticized most frequently by this Committee: the Worker member of the United Kingdom said that governments which supported the ILO's role when speaking in Singapore must be consistent and give the ILO the means to do the job.

Export processing zones

41. The Employer members noted that, in view of the scarcity of available information, the comments by the Committee of Experts in previous years on this subject had been more of an informative nature, while this year's comments appeared more positive in approach. They now welcomed the establishment of a special ILO action programme under which studies would be carried out on social and labour factors and on the success of these zones. They looked forward to the results of these studies, which were due to be published later in the year.

42. The Worker members were very concerned by the development of export processing zones, which often became law-free zones either because the social legislation was not applied or because there was total absence both of supervision and of workers' organizations, the functioning and even existence of which were not accepted. Such zones aimed at attracting foreign investment by making more and more concessions under pressure of competition. Some multinational enterprises were exercising considerable pressure on governments so that they did not ratify or did not apply the ILO Conventions. It was to be hoped that the ILO through its special action programme on social questions in export processing zones would continue to monitor the situation in the field together with the Committee of Experts.

43. Several members expressed approval of the ILO's current activities in relation to the zones, including the comments of the Committee of Experts. The Government members of Kenya and the United Republic of Tanzania both described their governments' intention to respect workers' rights in the zones, the former urging employers to follow a "best practice" approach to improve conditions, as in Kenya. The Worker members of Costa Rica and Nicaragua nevertheless drew attention to violation of workers' rights — especially those of women — in export processing zones. The Government member of the Dominican Republic said that child labour did not exist in export processing zones in his country: the Labour Code was applied there, where 170,000 workers were employed. Trade unions were recognized in the zones and collective agreements had been signed. In order to resolve the problems that had been encountered in the past, the Government had helped in arriving at a tripartite agreement on basic workers' rights, the creation of a tripartite committee for the harmonization of labour relations which would have the responsibility for receiving complaints of violations of freedom of association, and a tripartite committee for the realization of social benefits. This meant that the workers in the export processing zones enjoyed the same respect for their rights as workers in any other enterprise outside the zone.

Representations procedure under article 24 of the Constitution

44. The Employer members noted that the Committee of Experts referred to the large number of representations concerning violations of ratified Conventions. The number of representations submitted had increased over recent years, as had the number of cases brought before the Committee on Freedom of Association of the Governing Body. There were a number of reasons for the use of these procedures, even though the cases involved might perhaps be dealt with adequately under normal reporting procedures. They placed a great burden on the Office, but there was little evidence that they were much more effective than the regular supervisory work of the Committee of Experts. By bringing national disputes to an international body it was often hoped to obtain advantages at the national level. Suggestions that the procedures were being abused were borne out, for example, by cases in which representations were submitted even before a Convention had entered into force in the country concerned. The criteria for examining whether cases were conclusive and therefore admissible under these special procedures should be applied more strictly and therefore more restrictively.

45. The Worker members attached great importance to the procedures of complaint and representation, which were the necessary complement to the mechanism of supervision based on regular reports and guaranteed access of workers to the supervisory system. The more frequent recourse to these procedures was linked to the more active role of the workers' and employers' organizations resulting from the changes in the reporting cycle, as well as from the efforts of the ILO and its constituents to give more training in the ILO procedures to workers' organizations, in particular by the wide distribution of the *Handbook of procedures*. It was also the consequence of the structural reforms of the labour market brought about by the liberalization of international trade, which often had a negative incidence on the application of standards, even if the standards left a great latitude to governments and social partners as to the articulation of the social policy. To limit the use of these procedures to the fundamental or priority Conventions would be unacceptable. The particular attention which, no doubt, should be accorded to the respect of fundamental standards should not serve as a pretext to close out everything but those instruments. This reasoning applied also to the work of this Committee: the Worker members and the Employer members, supported by certain Government members, had always considered that the choice of individual cases to be discussed should include Conventions considered to be more "technical". The Worker members were in favour of the more effective use of procedures and the strengthening of their complementarity, and it was not at the present moment, when the ILO was seeking to reinforce its supervisory system and ensure greater respect for its standards and constitutional principles, that doubt should be cast on procedures which had proved their effectiveness.

46. The Worker member of the United States suggested that the increase in numbers of article 24 cases could be a reflection of a troubling pattern of non-compliance by governments with their obligations under ratified Conventions; or it could reflect that the number of individual cases reviewed by this Committee had been declining in recent years, with the result that workers looked beyond the normal machinery to other ILO mechanisms, such as the article 24 procedure, as the best way to persuade governments to meet their obligations.

Submission to the competent authorities

47. The Worker members shared the concerns expressed by the Committee of Experts over the problems of submission, because it was indispensable that national parliaments be informed of the work of the ILO. The Committee of Experts usefully recalled in paragraph 134 of its report the scope of the obligation to submit the instruments adopted. From their side, the Worker members would also denounce in the plenary sitting the countries listed in paragraph 138 of the General Report of the Committee of Experts, which had not respected this obligation with respect to the instruments adopted during the last seven sessions of the Conference.

48. In response to a question from the Government member of Lebanon, the representative of the Secretary-General explained that all Conventions which had not been formally abrogated under any new procedure adopted by the Conference were still subject to the normal submission obligation, and could indeed still be ratified. The proposal before the Conference was that Recommendations accompanying Conventions should have the same treatment as regards abrogation.

49. The Government member of Portugal asked for statistics as to developments regarding the breach of submission obligations. The Worker member of Sweden pointed to many serious violations of the submission obligation and reminded governments of the need to include in the process concrete proposals whether to ratify the Conventions concerned. The Government member of Kenya recommended that countries in breach of the obligation should urgently seek the Office's technical assistance.

Sanctions in national law

50. The Employer members emphasized that sanctions were only applicable where the Convention in question expressly envisaged them. In other cases, it was for each member State to decide the manner in which it would give effect to the provisions of ratified Conventions. In spite of the Committee of Experts' statement that it did take into consideration the discussion in the present Committee, the Employer members did not find a proper answer to their concern. However, in the Committee of Experts' previous report the Experts specified that where violations of basic human rights were concerned, penal sanctions had to be contemplated, especially when sanctions were provided for by the relevant ILO Conventions. According to the Employer members, this implied that penal sanctions could not be appropriate in the case of all Conventions but only for those Conventions that provided for sanctions. This clarification did not appear in this year's report of the Experts so that sanctions to ensure observance of the provision of the Conventions were required in a general and unrestricted manner. Furthermore, they wondered why in this context, the term "basic human rights", which had been used for years, had been replaced last year by the term "basic workers' rights". This was not in conformity with the present standards system. The Committee of Experts should consider this issue thoroughly.

51. The Government member of Germany was opposed to the idea in paragraph 128 of the Committee of Experts' report that ratifying States must use sanctions, including penal sanctions, to ensure conformity with measures contained in Conventions even where such sanctions were not specifically laid down.

52. The Worker members said that the criticisms addressed to the Committee of Experts by the Employer members concerning the question of sanctions raised in paragraph 128 of the report of the Committee of Experts seemed to result from a confusion with the analysis contained in the report of the previous year because the statements in this year's report were more general and did not deal specifically with the question of penal sanctions. A Worker member of Germany supported the conclusion of the Committee of Experts concerning the adoption of sufficiently dissuasive sanctions, in particular where the fundamental rights of workers were involved: he thought such sanctions authorized by article 19 of the Constitution of the ILO, even if there were no express provisions in the Convention concerned.

Technical cooperation relating to standards

53. The Employer members noted that a number of planned seminars and training activities had had to be cancelled due to budgetary constraints. However, as in the past, they welcomed the many activities that had been undertaken, and particularly those involving the multidisciplinary advisory teams (MDTs). They called for future reports of the Committee of Experts to contain more information on the feedback from such work received by headquarters.

54. The Worker members said that budgetary constraints should not slow down activities of standards promotion, which were increasingly solicited in view of the globalization of the economy, reform of labour and employment policies and the effort for democratization in certain countries. The International Programme for the Elimination of Child Labour (IPEC), which was principally financed from extra-budgetary resources, was a good example of the practical activities accompanying the implementation of standards; it could serve as a model to promote the application of other standards as well. On the other hand, regretfully only six out of 14 multidisciplinary teams had specialists on standards, in spite of the constant requests by the Worker members in the Governing Body. This situation should be improved as soon as possible.

55. The Government members of China, Cuba, Egypt, Equatorial Guinea, the Gambia, Guinea-Bissau, Kenya and the United Republic of Tanzania all spoke in praise of the technical assistance they had received in relation to international labour standards, especially through respective multidisciplinary teams (MDTs). The Government member of Kenya pointed out that now only six out of 14 MDTs included standards specialists, whereas those teams are vital to the process of formulating and executing country objectives; and he welcomed in this light the Governing Body's coming review of the Active Partnership Policy. The Government members of Lebanon and Saudi Arabia particularly called for the post of standards specialist in the Beirut MDT to be filled: the latter noted that technical assistance for standard-setting activities had been reduced due to financial constraints, but, as it was of particular importance for developing countries to benefit from all the different types of technical assistance that the ILO could offer in order to help them in complying with their obligations related to ratified Conventions, he hoped that technical assistance would be reinstated. He expressed the wish that the staff of the International Labour Standards Department would be involved in these activities to an even greater extent than at present and supported the work of the Arab States Regional Office and the Beirut MDT. The Employer member of the Islamic Republic of Iran was glad of the seminar recently held in his country on human rights standards; the Government member of Uganda looked forward to a coming seminar in his country which aimed at improving ratification and implementation of the human rights Conventions. The Government members of Djibouti (regarding labour legislation and tripartism) and Sri Lanka (regarding application of the Labour Inspection Convention, 1947 (No. 81)), and the Worker member of the Russian Federation (regarding the application of fundamental Conventions) also stressed the need for further technical assistance.

Questions concerning the application of particular Conventions

Employment Policy Convention, 1964 (No. 122)

56. The Employer members said that the comments of the Committee of Experts were based on reports from 29 member States, although it was not clear when the reports had been submitted or the periods that they covered. Although the Employer members had never denied that Convention No. 122 was of particular importance, there was a series of other important Conventions which were not analysed in this way in the report. With regard to Convention No. 122, the comments of the Committee of Experts were critical and somewhat pessimistic. Such pessimism was an outdated pedagogical approach. A more modern approach would be based on praise. There could be no doubt that the achievement of full, productive and freely chosen employment was a fundamental ILO policy and should remain so. In view of the problems experienced concerning labour markets, it was necessary to examine all means of action in terms of their impact on employment. The Committee of Experts' analysis of labour market problems was confined to international competition, globalization and the process of the transition to a market economy in some countries. However, the Employer members pointed to other undeniable causes of labour market difficulties, including over-regulation, the inflexibility of the legal framework, the desire to defend acquired rights and, frequently, high taxation and high labour costs which were a burden to employers. The Employer members emphasized that employment policy could not be implemented in isolation and needed to be coordinated with other important social and economic policies. The various policy areas were interrelated. At this time of great change, it was therefore incomprehensible that only the social sector should remain unchanged. Moreover, the so-called problems cited by the Committee of Experts, such as higher levels of competition, globalization and the transition to a market economy, could also have a positive effect through the employment and social opportunities that they created. The success of enterprises and therefore the existence of jobs depended on the quality of the products and services produced, which in turn depended on the skill of the workers and management. The value of an enterprise was therefore determined by the manner in which its products and services were perceived by its clients in a competitive environment. The free market represented an opportunity rather than a threat and the positive effects of competition could benefit everybody. However, too many people believed in regulation, rather than establishing rules for fair competition, which included minimum social standards. In this context, the Employer members noted the emergence of new forms of employment, including part-time work and fixed-term contracts. They added that in many countries the demand for part-time work was greater than the supply. For example, for various reasons, workers, and particularly many women, preferred to work part time for a number of reasons. Nevertheless, many who wanted to work part time had to accept full-time employment, or remain unemployed. The challenge was to work towards a better balance of supply and demand.

57. The Employer members stated that labour markets were changing rapidly with the advent of new and different forms of employment, which took into account different needs, including those of workers. The situation had changed from the traditional approach of everyone working the same number of hours a week at the same time each day. The needs of industry had meant that the situation was now much more complex, but offered a broader range of employment opportunities. However, the Employer members could not accept that workers should be the only ones to have the right to change from part-time to full-time work whenever they so wished. Nor was it in line with the real situation for the Committee of Experts to say that all workers only wanted to obtain traditional full-time work. It was fully in line with the wishes of the workers for different forms of employment. Such cases did not constitute a failure to give effect to the objectives of the Convention, since the concepts involved were no longer the same as they had been at the time that the Convention was adopted. Some countries had reduced the working week, for example to 35 or 32 hours a week, which was a level that would be considered part-time work in other countries. Although the Committee of Experts had admitted that the concept of full employment might be different in developing countries, the Employer members considered that this difference applied in all countries. Nevertheless, they agreed with the Committee of Experts that the major challenge was to create a large number of jobs which provided a livelihood for all workers. Although the Committee of Experts praised the Republic of Korea and Hong Kong for the progress that they had made in achieving full employment, it did not analyse the reasons for their success. The Employer members believed that there were good grounds for praising other larger countries for their achievements in this respect. In particular, those countries which had accepted the challenges of globalization had been successful in promoting employment and had experienced fewer employment problems.

58. The Worker members said that the Committee of Experts should be commended on the coherence of its approach and the quality of its observations; it should also be encouraged to continue the dialogue with the present Committee, both with respect to general trends and on individual cases. The paragraphs of its General Report this year supplemented the previous year's and had to be examined with particular attention. One should recall that the promotion and application of this Convention was the top priority of the ILO, as attested by the conclusions of the Conference of 1996 concerning the policy of full employment in the globalized economy, the new *World Employment Report*, the declaration of the Copenhagen Summit, and the placing on the agenda of the present session of the Conference of the question of the contribution of small and medium-sized enterprises to employment creation. Contrary to the opinion expressed last year by the Employer members, the Committee of Experts has not gone beyond the terms of the Convention in determining the more specific notions and obligations resulting from it, nor had it shown reticence in the face of the economic globalization or the transition to the market economy; but it confined its position to objective presentation of the facts. The *World Employment Report* and the Director-General's Report on the standards activities also concluded that liberalization of international trade did not lead automatically to social progress and equality of opportunities and that it did not reduce social exclusion and poverty. Member States should develop an overall policy to stimulate employment and promote equal opportunities and the application of standards. The Committee of Experts underlined in this respect the need to keep the objective of full employment in mind when determining micro-economic policies, though this, regretfully, was not always done: too many governments still limited their intervention to labour market policies and flexibility.

The Committee of Experts explained also that full employment remained a valid objective for all countries, even if the Convention permitted using different means and strategies to attain this goal. The Committee strove to promote better understanding of the obligations under the Convention in terms of full employment, free choice of employment, productive employment and consultation with organizations of workers and employers. It was quite right in suggesting that a link could be established between its comments on the application of the Convention in individual cases and the country employment reviews undertaken as a follow-up to the Copenhagen Summit, as well as with the studies of the impact of the liberalization of international trade. Finally, the Committee of Experts stressed the importance of resolute action in favour of employment and the institution of a legal framework in conformity with the obligations under the Convention, with reference also to Convention No. 150.

59. Several Government members expressed agreement with the Committee of Experts' comments as to full, productive and freely chosen employment. The Government member of Kenya was glad that this had remained the goal of the ILO, which should continue to play the role assigned it by the Copenhagen Summit. The Government member of Sweden (speaking on behalf of the Nordic countries) also welcomed the emphasis on the human aspects of employment brought out by the ILO, while the Government member of Italy noted the positive impact of human rights observance on employment possibilities. The Government member of Portugal placed the debate in the context of the current Conference's discussion of employment in small and medium-sized enterprises and the need to integrate employment and training policies and programmes. The Government member of Germany considered that the Committee of Experts' general comments concerning employment policy were unconvincing and warned especially against too severe a criticism of fixed-term contracts, which could evolve into permanent ones. The Government member of Belgium stressed the importance of examining how the supervisory machinery could be relocated at the heart of the ILO's activities in the field of employment, taking into account developments in certain labour markets: he questioned the continued relevance of certain standards concerning employment in a situation where the traditional employment relationship between employer and workers was opening up, the employer being further removed, for example through multinational groupings, and with increasing subcontracting. To this was added the precarious working situation of numerous workers in the most industrialized States; higher value should be given to individuals' desire to work, so as to take into account their creativity at all levels, without restricting the work relationship to two legal entities, and providing increased legal protection, for example, by allowing contracts to be entered into with a collective.

60. The Government member of the Dominican Republic described the positive experience in his country, where a tripartite commission on employment, alongside a free employment service, had been created: through modern technology, job trafficking had thus been eliminated. As regards security of employment, the Government member of Sri Lanka said his country was experiencing difficulties in the wake of liberalization of the economy and the process of globalization, with new investors entering the country as well as local industrialists seeking relaxed labour laws and industrial peace for smooth operation of industries and enterprises. The most disturbing legislation, in investors' opinion, was the Termination of Employment of Workmen Act (No. 45) of 1971 which concerned unjust dismissal of workers: creation of new employment, they argued, had become prohibitive, as the law restricted termination of workers at the will of the employer; employment generation would become possible with free mobility of labour which was not restricted by artificially created provisions entrenched in legislation; and they argued that rigid labour laws were counterproductive not only to employment generation but also for productivity. What should be discussed was the suitability of this line of thinking for developing economies including Sri Lanka, and how labour standards fit in. No labour standards expressly or implicitly negated productivity or employment, and perhaps no economy could thrive without industrial peace and labour standards.

61. The Government member of India said that in his country the majority of the workforce worked in the unorganized and informal sectors, where legal standards were only of distant relevance. The major problems of workers in these sectors were unemployment, underemployment and intermittent employment, as well as inadequate income and access to the basic amenities of life. There were few grounds for expecting any meaningful change in this situation in the near future, despite the commitment made by governments at the Social Summit to adopt a policy to achieve full, productive and freely chosen employment for all. Without minimizing the importance of standard-setting activities, equal or greater emphasis therefore needed to be given to operational activities in order to maximize employment opportunities. In this context, he suggested that the bleak employment situation, described in the ILO's report *World Employment*, should be considered by the Conference Committee so that it could obtain an overall perspective that would make its work more objective. India was nevertheless in the process of ratifying Convention No. 122.

62. The Worker member of China agreed with the comments made by the Committee of Experts concerning employment policy. With the active efforts of Chinese trade unions, the Chinese Government had taken the decision to ratify Convention No. 122. Globalization was advancing very rapidly and unemployment and property were major challenges throughout the world. Problems related to unemployment and employment were much more severe in the developing countries than the industrialized countries. The ILO therefore needed to focus its assistance on developing countries. Since the opening-up of its economy, China had created 200 million new jobs. However, the Chinese population was also growing rapidly and more employment was required. In China, the vocational training schools provided skills for the workforce and the employment agencies within the trade union movement endeavoured to find them jobs. There was a need for greater cooperation between the ILO and trade unions to promote the implementation of employment policy measures and increase employment throughout the world.

63. Other Worker members raised particular aspects of the employment question. The Worker member of the United Kingdom warned that part-time employment was not always the free choice of women workers, but often meant poverty pay in a dead-end job with no training prospects. Worker members of Colombia and Costa Rica pointed to the cost in jobs of structural adjustment policies and false restructuring. A Worker member of Germany also observed the negative effects on employment of international monetary policies, while noting the beneficial effect of partnership between labour and capital in improving competitivity and employment. Failure to apply Convention No. 122 had an important negative effect on the application of other ILO standards. He and the Worker member of Argentina wished for more detailed analysis of these issues.

64. The Worker members were glad that the Committee of Experts' analysis of employment policies had been welcomed and several Government members had recognized that the pressure of competition and the constant search for low labour costs were a threat to labour law and social protection. The Employer members were right to emphasize that employment policy should not be separated from economic and social policy as a whole.

65. The Employer members reaffirmed that they and almost everybody else believed in the effectiveness of the market economy. Rather than the absence of enforced unemployment, full employment was a level of employment where all those who were actively seeking work could find it, in line with the discussions of the Committee on Employment in the last Conference. They also emphasized that the trend towards deregulation, which was occurring at different rates in different countries, had as its root cause the development of too high a level of regulation in recent years. They believed in the fundamental objectives of the ILO. Their disagreement with some speakers in this respect concerned the means by which these objectives were to be achieved. By way of illustration, it was unsound practice to deal first with the distribution of wealth, while only addressing as a subordinate question the manner in which it was produced. Those countries which developed the best responses to employment issues would be those that faced up to the new global situation, and especially global competition. The priority objective was to create more employment. Attention should therefore be focused on the most rapid way in which the resources needed for the economy as a whole could be produced in future, as a basis for improving the social situation.

Conventions on social security

66. The Employer members thought that, in its comments on the generalization of the process of reform in social security, the Committee of Experts had painted a negative impression of rising contributions and falling benefits. The Committee of Experts had emphasized the dangers involved in the privatization of social security systems, but the comments were somewhat naive and lacked understanding of the real needs for reform. The proportion of GDP required to finance social security systems was constantly increasing. As a result the financial limits had been exceeded in many States. This was a result of many years of one-sided development in which no consideration had been given to the fact that everything could not be provided by collective welfare systems without reform measures. Moreover, the demographic developments in many countries have had a major impact on social security systems. The privatization of such systems could ensure that they were more effective. The Committee of Experts referred to the flexibility contained in recent social security standards. But the Social Security (Minimum Standards) Convention, 1952 (No. 102), which was now 45 years old, was in need of such flexibility. Indeed, far from their action being premature or hasty, as suggested by the Committee of Experts, many governments had reacted too late to avoid the problems faced by social security systems. It was now time to get back on course and ensure sustainable core provisions in the social security system.

67. The Worker members stated that the Committee of Experts noted the more general, profound and accelerated character of the process of reform in social security. This Committee had already discussed the serious problems of application in this area at previous sessions. The Committee of Experts recalled that, while these standards were drafted in flexible terms, the fundamental principles of organization and administration of social security systems should be respected in all circumstances. Reform and partial or total privatization of certain branches of social security should take account of the international standards. In its conclusions the previous year on one individual case, this Committee requested the government concerned to ratify Convention No. 128 and denounce Convention No. 35; it also discussed the fundamental principles of the organization and management of social security schemes, including the participation of workers in their management and the general responsibility of the State in the provision of benefits and administration of schemes. These principles were essential in any social security system, whether private, semi-private or public. Substantial reforms should not be engaged in a hasty manner, because it was extremely difficult to correct them later.

68. The Government member of Germany, supported by the Worker members of Swaziland and the United Kingdom, said that privatization has no place in social security. The Employer member of the Islamic Republic of Iran stated that employers were not supposed to bear all of the social security costs: governments and the whole of society should also participate in financing social security. A Worker member of Germany expressed surprise at the comments by the Employer members that Convention No. 102 was inflexible: only three out of the Convention's nine parts had to be accepted, and the Convention required only a low level of social coverage; there was danger in increased pressure on countries, particularly developing ones, to reduce already low levels of social spending; and privatization of social security systems reduced solidarity, ultimately benefiting the few while leaving whole sectors of the population unprotected. Insured persons were at risk from inflation and bankruptcy of private institutions, which was a fairly frequent occurrence; and private systems did not necessarily reduce the overall cost of social benefits. Improved economic performance and social security could be complementary. Social benefits were a fundamental requirement for the peaceful settlement of social disputes.

69. The Government member of the United Republic of Tanzania concurred with the Committee of Experts concerning revision of social security legislation. His country was transforming its National Provident Fund into a comprehensive social security scheme along the lines of Convention No. 102 and had been spared the social confrontations experienced in other countries, mentioned in paragraph 66 of the report, though there were debates between the various stakeholders. To ensure broad participation, a round-table discussion was convened which incorporated the social partners, the ILO, the International Social Security Association (ISSA) and other countries which had successfully made such transformation. Subsequently, ratification of the relevant ILO social security Conventions would be possible.

70. The Worker members noted that the Committee of Experts' analysis of the risks of privatization of basic social security systems had been broadly supported in the Committee. The Employer members could understand why the subject of the privatization of social security provision was so emotive, particularly in countries where social security systems had been in force for many years. They emphasized that they were not suggesting the privatization of all the components of social security systems. However, there were areas in which privatization could be of great benefit in making social security more efficient and less expensive. A good example was health insurance, where private provision was already very common in many countries. The same trend was evident in pensions systems, where the private sector was taking over a greater share of the market, thereby reducing the burden on the State. Enterprise retirement schemes were a good example of how private provision could supplement public systems. Clearly, the State had to determine the framework conditions for private operation, including for contingencies such as bankruptcy. The private provision of social benefits had proven to be successful and secure. It complemented state social security schemes, rather than replacing them. The trend would undoubtedly continue.

Conventions on occupational safety and health

71. The Employer members agreed that the standards were very technical and detailed. They believed that this was the major reason for the difficulties experienced in their implementation and observance at the national level.

72. The Worker members said the Committee of Experts' comments on these Conventions had the merit of attracting attention to the problems of application in general. Firstly, the Committee of Experts highlighted the relation between regional standards, such as those adopted by the European Union, and more universal standards. The Worker members shared the opinion that the incorporation of regional standards, such as the European Directives, into national legislation was not always sufficient to give effect to ILO standards. In this respect the majority of the regional rules established minimum standards which did not prevent member States from introducing and maintaining higher levels of protection. Member States of the European Union and other regional organizations should also ratify ILO standards and not limit themselves to implementing regional standards, which should at least offer a level of protection equal to that of the international standards. The Committee of Experts also stressed the crucial importance of the practical application of standards in this area. The adoption of legal texts should be followed by a set of coordinated measures to ensure effective protection of workers. Consultation of workers' and employers' organizations during the elaboration and implementation of texts was indispensable. The proposal of the Committee of Experts for making better use of technical cooperation should be supported. It also observed that the government reports did not often contain complete information in this area, particularly statistics concerning occupational accidents and diseases.

73. The Government member of Kenya underlined the need for tripartite advisory bodies on this subject, with a programme of training and information for workers and their participation in the drafting and evaluation of legal provisions. The Government member of the Syrian Arab Republic referred in this context to ILO/UNDP assistance received by his country.

Wage protection

74. The Employer members emphasized that it was unacceptable that workers in Eastern Europe, Africa or Latin America should not receive their wages, or receive only partial wages, over a period of months or years. Although they agreed with the Committee of Experts that the situations in question might have their origin in economic and financial difficulties the blame for such problems could not be placed on the transition to a market economy, unless the transition had been incomplete or defective. Situations in which workers were not paid or were paid late were not typical of free labour markets. An improvement in this situation would not be achieved by the ratification of new Conventions, but rather through the adoption of practical measures to improve the performance of national economies.

75. The Worker members said the present Committee regularly discussed the application of the Protection of Wages Convention, 1949 (No. 95), in individual cases. The transition of economies, structural adjustment policies, negligence or the general climate of non-respect of law were often at the root of serious problems having disastrous social and economic consequences. The conclusions of the Committee of Experts on supervision, sanctions and remedies for loss were very pertinent and should be supported.

76. The Government members of Germany and Kenya referred to the seriousness of the wages issue: the former attributed the problem to transition to a market economy, the responsibility lying with the earlier *dirigiste* governments. The Worker members of Guatemala raised the question of grave violations in their country, while the Employer member of Guatemala referred to the role of tripartism in settling such issues. The Worker member of the Russian Federation agreed with the Committee of Experts in paragraphs 71-73 of its report: non-payment or late payment of wages in Central and Eastern Europe and in Africa and Latin America breached one of the fundamental rights of workers and seriously increased poverty, while reducing chances of building civil and democratic society. He said governments rarely created legal structures which aimed at applying this Convention in practice, and in the Russian Federation this had affected almost 80 per cent of the population: total unpaid wages exceeded 9 billion US dollars. He hoped that the Committee would examine this problem in an efficient manner, in view of the Committee of Experts' opinion that there should be not only appropriate sanctions to punish and prevent infringements, but also strict enforcement against those who take advantage of economic situations to commit abuses.

Child labour and forced labour

77. The Employer members supported all measures taken to combat forced labour and the exploitation of child labour, particularly in the form of child prostitution and pornography, which had become a problem of international dimensions. Concrete action needed to be taken to alleviate these evils and to identify the reasons behind them, which normally had their roots in poverty and the absence of prospects for self-improvement. Special campaigns were a more appropriate means of combating these problems than the development of new standards. In this context, they reaffirmed their support for the International Programme for the Elimination of Child Labour (IPEC).

78. The Worker members recalled the Committee of Experts' view expressed in 1994 on forced child labour and particularly the sexual exploitation of children and trafficking in children. These concerns called for resolute action to fight such practices. Certain countries had taken measures to punish acts of exploitation of children committed abroad and other countries should be encouraged to follow this example. Notwithstanding the recent resolution of the Conference concerning the prohibition of child labour, the IPEC programme and the preparation of the new Convention starting from 1998, there was still a lot to be done in this area.

79. Several Government members (Belgium, Canada, Egypt, Equatorial Guinea, Guinea-Bissau, Kenya, the Netherlands) expressed their concern as to the problem of child labour and their support for ILO activities in that field. The Government members of Canada, India and the Netherlands hoped for an effective new Convention on child labour in 1999; the Government members of Egypt, Guinea-Bissau and the Netherlands also drew attention to the value of the existing Convention No. 138 and favoured its ratification and implementation. The Committee was informed of the gap in coverage of the child labour problem between the Forced Labour Convention (No. 29) and the Minimum Age Convention (No. 138), and the still relatively low number of ratifications of the latter, which, at a time of heightened international awareness of the problem, were the occasion for the possible adoption of new standards in the ILO.

80. The Government member of Egypt observed that it was often only economic and financial difficulties which prevent developing countries from ratifying Convention No. 138. The Government member of the Dominican Republic thought ILO figures might be exaggerated: in his country child labour persisted in the informal sector, but the Government was implementing programmes for its suppression on a tripartite and interministerial basis and with IPEC help. The Government member of Equatorial Guinea stressed the risk to children under 15 in particular: child slavery arose from the exploitation of poverty in many countries. The Government member of Lebanon remarked that 1996 legislation in her country absolutely prohibited the employment of children under 13.

81. The Worker members of Argentina, Italy, Nicaragua, Pakistan, Swaziland and the United Kingdom and the representative of Education International all called for intensified action at the international and national levels against child labour. International cooperation was desperately needed to stop child sex tourism and the trafficking of children for forced sex labour. The Worker member of Nicaragua pointed to the long hours sometimes worked by girls in particular. The representative of Education International detailed the need for comprehensive government strategy including legislation, enforcement, free, compulsory and good quality basic education, transition education programmes for children who had been labourers and income support and generation programmes for families. She applauded those governments which were taking action often in the most difficult economic circumstances and those governments that were supporting action particularly through the ILO's IPEC programme. The Worker members of Italy and Pakistan mentioned the role of tripartism and unions in fighting and finding funding for the campaign against child labour. The latter welcomed initiatives in his country in cooperation with the ILO, UNICEF and employers for the education of children formerly employed in the sports industry; and to establish "RUGMARK" Inspection International on a tripartite basis to help deal with the child labour problem.

82. The Government member of the United States urged the Committee of Experts, when reviewing article 19 reports due next year on the application of Convention No. 29, to take an objective look at emerging trends in privately operated prisons and increased opportunities for private employment by prison inmates. This, he said, was a growing trend in many member States which took into consideration the best interests of both the prisoners and the public and the Committee of Experts needed to consider what constituted permissible involvement of the private sector in prison labour today and an adequate level of supervision and control by the public authorities. The Worker member of the United States strongly supported this request: the use of prison labour by private employers was a growth industry in the United States, being promoted by the Justice Department as a cost-effective alternative to workforces found in Mexico, the Caribbean Basin, South-East Asia and Pacific Rim countries. He noted that by the year 2000 prison industries' sales would be some 9 billion US dollars; prisoners received 15 to 50 cents per hour for the 4.6 million hours they worked in a single year and were largely exempt from minimum wage laws and other legal protection and had no collective bargaining rights. The trade union movement was becoming increasingly concerned about this growing practice in the country and the threat it posed to labour standards. The Committee was informed that the Committee of Experts had decided to consider the matter further in its review of special article 19 reports on the forced labour Conventions at its next session.

The Report of the Director-General:
The ILO, standard setting and globalization

83. The Employer members said that, although the report of the Committee of Experts contained no detailed comments on the ILO's general standard-setting policy, this subject was covered by the Director-General's Report to the Conference on *The ILO, standard setting and globalization*. The Employer members had been calling for such a discussion for many years. The poor response to recent standards meant that it was necessary to examine closely the ILO's standard-setting system and the causes of non-compliance with the standards that were adopted. The Conference Committee had discussed this issue two years ago. It was an important development that nobody now believed that everything was perfect in the system and that no changes were required. Moreover, no one seriously believed that the production of as many new standards as possible was the most important task of the Organization. Indeed the present stock of international labour standards needed careful review, particularly with regard to obsolete Conventions that were no longer applied. There was also an urgent need to revise many standards. Unfortunately, the Employer members had gained the impression that the pace of this work was slowing down, which would have a negative impact on the image and effectiveness of the ILO. It was essential to avoid the ILO becoming a cemetery for labour standards that were no longer of any use. It was also necessary to fill the gap in the ILO Constitution so that obsolete Conventions could be abrogated.

84. In the Employer members' view, only such new standards as were absolutely necessary should be developed. Instead, greater emphasis should be placed on the more important objectives of creating jobs and combating unemployment. Where standards were adopted, they should not necessarily take the form of a Convention, but could consist of Recommendations, guidelines or codes of conduct. Where a decision was taken to elaborate a new Convention, it should always be confined to general principles. In a context in which a rapid response was required to changing circumstances, detailed provisions were an obstacle to the ratification and implementation of international labour standards. Moreover, the Employer members warned against including in Recommendations provisions upon which agreement had not been reached with regard to Conventions. Such practices discredited the value of Recommendations.

85. The Employer members noted that the Director-General's Report contained other valuable ideas concerning the development of standards, including greater involvement of member States and the social partners, better designed questionnaires and a better discussion of the substance in various bodies. With regard to the changes that were needed in the standard-setting process, governments should only support new Conventions in the plenary session of the Conference when they were actually willing to subsequently ratify them. Any other approach seriously undermined the standard-setting process. A suitable balance needed to be struck between the requirement for the coming into force of a Convention, for which only two ratifications were needed, and the very limited opportunities for denouncing Conventions. Together, the minimal conditions for the entry into force of Conventions and the difficulty of denouncing them served to make the statistics look good. However, they also made responsible governments hesitate to ratify Conventions. Indeed, although some 750 ratifications had been registered between 1992 and 1996, over 500 of these had been from the new States created from the former USSR, Czechoslovakia and Yugoslavia. There had not therefore been so many new ratifications.

86. The Employer members thought that some of the increasing number of problems encountered in the application of ratified Conventions were also due to the very broad interpretation made by the supervisory bodies of provisions in Conventions that were often very simple. In so doing, they created further obligations that governments had not foreseen when ratifying the Convention. One good illustration was the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), concerning which detailed and precise concepts concerning the right to strike had been developed by the supervisory bodies, whereas the Convention only contained very general provisions. However, during the process of the adoption of the Convention, the inclusion of provisions on the right to strike had been rejected.

87. A number of ideas had been proposed to improve the effect given to Conventions on human rights, said the Employer members. One proposal had been to include a social clause in trade treaties, which was no longer a viable solution. Similar objections had been raised to the concept of social labels, as proposed by the Director-General in his Report. Another suggestion was to establish a special supervisory procedure similar to the Committee on Freedom of Association. This procedure would also be applicable to member States which had not ratified the basic Conventions. This approach assumed that these basic principles, namely non-discrimination and the elimination of forced and child labour, were enshrined in the ILO Constitution. However, it was difficult to determine the extent to which such principles were indeed set out in the Constitution. The Employer members could not therefore support the establishment of new bodies to examine whether obligations deriving from the ILO Constitution were being fulfilled. The experience of the Committee on Freedom of Association illustrated the potential problems. The principle of freedom of association was set out in the Preamble to the Constitution. However, the results obtained by the Committee on Freedom of Association could not be considered strictly as the application and interpretation of the principle set out in the Constitution, if the term "principle" was to retain its meaning. Indeed, the extensive jurisprudence of the Committee on Freedom of Association extended to strike situations. In cases concerning countries that had not ratified Convention No. 87, the only legal basis for decision was the principle of freedom of association contained in the Constitution. The Committee on Freedom of Association appeared to be of the opinion that any infringement of the right to strike, which it considered to be almost unlimited, was unlawful and a violation of the ILO Constitution. This approach, and its results, did not abide by the usual principles of legal interpretation. In this context, the Employers noted that there was close collaboration between the work of the Committee of Experts and the Committee on Freedom of Association, with cross-references to their conclusions. It should be recalled that the legal interpretation of the Committee on Freedom of Association was based on the Constitution, while that of the Committee of Experts was based on the provisions of Convention No. 87. Although the Employer members supported general measures to give greater effect to ILO principles and fundamental workers' rights, they considered that the establishment of a principle of freedom of association without any limits or constraints would constitute unlimited interference in the affairs of third parties, without any solid legal basis. They believed that there was no precedent in national legal systems for this approach. Only the core aspects of the right to freedom of association could be afforded special protection. More detailed provisions needed to be established by the competent legislative body in member States. The Employer members reaffirmed the fundamental difference between obligations with respect to ratified Conventions and unratified standards. It was very dangerous when an organization did not apply its own rules, even where the objective was desirable. In legal terms, public international law survived because of the willingness to create a consensus and uphold peace. Any constraint that did not have a lawful basis could not be applied and would give rise to opposition.

88. The Employer members welcomed the success of the Director-General's campaign for the ratification of fundamental ILO standards, although they noted that this success did not extend to the standards on child labour. It was not unrealistic to hope for greater ratification of fundamental Conventions. Indeed, in recent years the ILO had had to re-examine its fundamental role. In their opinion, standard setting had lost much of its importance. Although the Organization had been affected by the signs of a crisis, it should be recalled that crises were not necessarily negative. Crises should be seen as a turning-point which offered opportunities for improvement, which should be taken up.

89. The Worker members said that in many countries there was a considerable gap between ratification of Conventions, their application through legal principles and their application in practice: the second part of the report of the Committee of Experts and the high number of representations and complaints before the Committee on Freedom of Association provided sufficient evidence of that. One could not accept such an inconsistent attitude. Even the non-binding provisions which some would like to put in place of Conventions, such as Recommendations, resolutions or codes of good conduct, were not always taken seriously. It was regrettable that too many member States were, by ratifying few or no Conventions, avoiding an important part of their constitutional obligations. Happily, certain constitutional provisions and principles remained applicable to them, such as observance of freedom of association and the right to collective bargaining, the objective of social justice and the obligation to report on unratified Conventions. The efforts of the Director-General and several constituents to make the most of the means offered by the Constitution to promote the observance of fundamental rights as a whole independently of the ratification of the corresponding Conventions and without weakening the existing supervisory system should be fully supported. These rights should be observed in all countries and all enterprises, whatever the level of economic development, because they formed the basis of a social policy which, while taking into account the national possibilities, made possible the application of other standards on, for example, safety and health at work or social security. In this context, and bearing in mind the divergent opinions on this subject, the Worker members would like to recall their proposal as to a social clause in a multilateral and non-protectionist framework, not as a goal in itself, but as an instrument to reinforce the system of supervision serving the objective of social justice.

90. The Worker members noted that, while having declined in comparison with the previous year, the number of new ratifications registered remained encouraging and was a concrete demonstration of support by the member States for the principles and values of the ILO. These numbers should be seen in the context of the campaign to promote the ratification of Conventions on the basic rights. The prospects for ratification of these Conventions were very real, including Convention No. 138, which 12 governments had already indicated their intention to ratify and ten others stated they were examining. This campaign should therefore be continued and supported and the resolute attitude of the Office in encouraging these ratifications, particularly through technical cooperation, should be commended. The work of the Governing Body on the revision of certain Conventions and the promotion of others also had a role to play. Tripartite consultations at the national level could contribute to promoting the ratification of fundamental Conventions by showing that obstacles to ratification invoked previously were no longer relevant. In spite of progress, the pace of new ratifications was still very slow. The industrialized countries in particular had to adopt a more dynamic attitude: it was unacceptable that some of them still had not ratified the fundamental Conventions.

91. The Worker members said that the 2,132 cases of progress registered since 1964 proved that the supervisory system based on dialogue, cooperation and technical assistance had a real impact on workers and their families. This year, 25 cases concerned fundamental rights and important Conventions. Frequently it was firm action and campaigns led by the workers' organizations at the national and international level which had led to such progress. The strengthening of the supervisory system retained its essential role, and the credibility of standards required the elimination of attitudes rejecting cooperation and dialogue with the ILO and its supervisory bodies. The proposals of the Director-General concerning the global social label and the introduction of a complementary procedure for discussing cases of non-observance of fundamental rights stood in this line of reasoning. It was indispensable for the ILO to have the necessary financial means to fulfil its mandate.

92. The Government member of Kenya supported the continuation of the Director-General's campaign for universal ratification of the basic human rights Conventions. The Government member of Germany thought some link between labour standards and trade indisputable — as demonstrated by the export processing zones; initiatives of producers, business people and consumers in the area of social labelling could not be ignored; and it was important that the standards supervisory system should be improved, although Government delegates at the Conference should not — as had been suggested — be compelled to vote for the adoption only of Conventions which their governments were sure to be able to ratify. The Government member of Saudi Arabia suggested the replacement of Recommendations by a system of guidance on the adaptation of national systems to international labour standards. The Government member of Sweden (speaking on behalf of the Nordic countries) supported the Governing Body's work for modernization of the standard-setting system and was also interested in the establishment of a portfolio of proposals for standards to enhance medium-term planning. The Government member of the Netherlands supported the campaign for ratification of the basic human rights Conventions, which had already been fruitful, as well as the proposal for a Declaration involving also a procedure to monitor compliance; the choice of subjects for new standards should be strategic and take account of what would be durable and legally verifiable; details could be included in appendices, for easier amendment, and autonomous Recommendations should be reintroduced; obsolete Conventions and Recommendations should be abrogated, but he was sceptical as to the practical use of an updated version of the International Labour Code. The Government member of Canada said the Director-General's Report contained important initiatives to be discussed in the Governing Body: opportunities should be acted on with vision. The Government member of India supported the Governing Body's work for the revision of existing Conventions; new Conventions should take account of widespread unemployment in the world, the predominance of the unorganized sector and prohibitive cost of sophisticated social security systems in developing countries, and the ineffectiveness of labour inspection systems, and the pressures of international competitiveness; future Conferences should address these problems without unnecessarily burdening state enforcement machinery or harassing employers and without allowing the unscrupulous exploitation of workers. The Government member of Uganda said that improvements in the supervisory machinery envisaged by the Director-General should remain within the terms of the Constitution, and existing mechanisms already caused government difficulties in reporting. The Government member of the Republic of Korea endorsed the revision process, a selective approach to new standard setting and flexibility in application according to national conditions.

93. Worker members of Burkina Faso, Germany, Sri Lanka, Sweden, Swaziland and the United Kingdom all spoke in favour of the ILO having more power to enforce the application of labour standards, particularly through a trade link. A Worker member of Germany was surprised at the Employer members' objection to social labelling, which would not be regulatory, but voluntary, merely informing consumers that goods had been produced in a way that respected human rights; at the same time, he welcomed the Director-General's proposal for new supervisory procedures relating to forced labour and child prostitution in particular.

94. The Worker members considered that a positive attitude towards standard-setting activities and the role of the ILO and its supervisory system clearly emerged from the interventions of the Employer members, as well as from the large majority of governments. Thus, a more constructive approach than at previous sessions had characterized nearly all of the interventions on the part of governments, who had stressed the importance of ILO standards in a context of economic and social change and called for social justice and progress as guarantees of sustainable economic development. The Worker members noted that the Employer members and the majority of Government members, though in sometimes very general terms, had come out in favour of reinforcing the supervisory system and a better application of standards in practice by means of the wider use of technical cooperation and the multidisciplinary advisory teams. They noted that several Government members had supported the efforts of the ILO to promote the ratification and application of standards. Some of them had insisted that concrete actions should be undertaken and made suggestions to improve the efficiency of the ILO in this respect. They recalled that the Government member of China, in particular, had stated that his country would adopt a more constructive attitude towards ILO standards.

95. The Worker members considered, however, that the concrete scope of these general remarks and suggestions was not fully clear: what was meant precisely when it was stated that the ILO should take into account economic and social realities for the application of fundamental standards? Which realities were meant when it was stated that standards should take account of the changes in the world and that no new standards should be adopted unless they were absolutely necessary? The Worker members endorsed the position of the Director-General to the effect that the idea of any break in standard setting was unacceptable. In contrast, globalization, increased international competition and new technologies made it necessary to adopt new standards and update existing standards. In this respect, the Worker members had no objection to a more rigorous selection and a more thorough preparation of subjects for new standards.

96. The Worker members wondered what was the exact meaning of the statement by the Government member of India to the effect that no links should be established between standards and international trade. While the comparative advantage resulting from the low wages was undoubtedly acceptable, it was so only to the extent that the level of wages and conditions of work corresponded to the level of economic and social development of the country concerned and on condition that the right of workers to organize freely to negotiate the level of their wages was guaranteed. But the situation was completely different and unacceptable where an artificially low level of wages and conditions of work resulted from a disregard of fundamental international standards and from the absence of any social policy.

97. The Worker members noted that the Employer members had said that the supervisory system should be strengthened, while at the same time insisting on limiting the possibilities of resort to complaints and representations and asking the Committee of Experts to be more restrained in requesting reports. They noted that the Employer members also called for more technical assistance and information on standards, while seeming, unless such interpretation was mistaken, to reject the proposals of the Director-General for systematic collection of information on social policies and the application of fundamental standards through a global social label. For the Workers, many positions advocated by the Employer members were a cause for concern, because they raised questions as to whether all the constituents really wanted to reinforce the supervisory system. This was particularly so when they rejected the adoption of new standards, the search for effective sanctions or the introduction of new procedures to monitor non-ratified fundamental Conventions. These examples illustrated the lack of consistency in certain positions and served to clarify the terms of the debate. Innovative proposals should not be put aside purely on the basis of legal arguments.

98. The Worker members thought the discussion had shown broad support for the initiative of the Director-General for the development of standard setting in the context of globalization. Several governments had stated their intention to proceed with ratifications following the Director-General's campaign, while others had voiced their concerns at reinforcing the practical application of Conventions.

99. The Worker members, referring to the statement of the Employer members reflected in paragraphs 86 and 87 above, noted that many governments had supplied useful and encouraging information as to the application of particular Conventions. To the Workers, the position of the Employer members concerning the right to strike was well known, as was also that of the Worker members, who fully endorsed the interpretation of the Committee of Experts, which was itself in line with the practice followed for many years by the Committee on Freedom of Association. It appeared that the Employer members were now openly criticizing the tripartite Committee on Freedom of Association in their statement that its approach to the right to strike was not in conformity with rules of legal interpretation. The Worker members would inform the Worker members of the Governing Body and its Committee on Freedom of Association of the position taken by the Employer spokesman, to seek clarification. Unless this was a misinterpretation, the position of the Employer members concerning the proposals discussed in the Governing Body and the Conference with a view to improving observance of fundamental rights, irrespective of the ratification of the corresponding Conventions, was also surprising. Their reluctance to accept a procedure analogous to that of the Committee on Freedom of Association in respect of the protection of other fundamental rights could be understood, but it did not justify the criticisms of the Committee of Experts. The discussion of these subjects needed to be pursued in a constructive manner that respected the positions of all the various parties.

100. The Employer members recalled that they had been commenting on the issue of the right to strike for many years. They acknowledged that the principle of industrial action, including the right to strike and lockouts, formed part of the principles of freedom of association as set out in Convention No. 87. Their criticisms were aimed at all the detailed jurisprudence developed over a number of years on the basis of these principles. Such detailed provisions were not to be found in either Convention No. 87 or the ILO Constitution. Moreover, the comments of the Employer members concerning the interpretation of the Committee of Experts and the Committee on Freedom of Association contained no new elements and did not constitute a general criticism of the overall work of the two bodies.

101. The Employer members believed that there had been some misunderstanding during the general discussion on their comments concerning social labelling. They wished to reaffirm their support for the objective of greater universal respect for fundamental human rights Conventions. However, there was no easy means of achieving this objective. Some proposals had been made. These included the social clause, which had failed. The Employer members' concerns regarding social labelling were similar, although not exactly the same, to those they had expressed in respect of the social clause. A number of these concerns had been explained in the Report of the Director-General, even though he had ultimately come out in favour of social labelling. Although the idea of social labelling may be appealing to some, its effectiveness was doubtful. The details of such a scheme had not yet been fully worked out, but it was difficult to imagine how it could be applied in practice. One problem was that injustices might occur, for example where States were not granted the label or the label was withheld. In such a case, all the producers, and therefore the workers and their families in the country would suffer, even where they had observed the necessary standards. The system would therefore involve group liability. In addition, it was uncertain that such a system would achieve the desired effects in terms of consumer reaction. Although general opinion might be influenced relatively easily on such issues as the exploitation of child labour, even such important problems as forced labour represented more abstract concepts for the general public. It was uncertain that they would prevail over the immediate concerns of price and quality. The Employer members therefore believed that the viability of the proposed system had been overestimated and the dangers underestimated.

102. On the issue of standard setting, the Employer members pointed out that many of the points made in the Report of the Director-General were in line with the proposals put forward by the Employers' group over recent years. If these proposals were implemented, a new form of standard setting would be set in motion which would involve the adoption of fewer standards. They emphasized that this did not mean the adoption of no standards at all. However, any new standards adopted should focus on basic principles, rather than detailed provisions. If this approach had been adopted earlier, there would not be so many Conventions with very few ratifications. Many older standards which did not comply with the new approach would need to be revised or abrogated. It was a significant development that proposals of the nature contained in the Report of the Director-General now commanded agreement from all sides.

C. Reports requested under article 19 of the Constitution

Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978

103. The Committee held a discussion on the General Survey made by the Committee of Experts on the basis of reports requested under article 19 of the Constitution on Convention No. 150 and Recommendation No. 158, 1978, concerning labour administration. The survey also took into account reports on the Convention communicated under articles 22 and 35 of the Constitution, as well as comments received from employers' and workers' organizations with the governments' reports in accordance with article 23(2) of the Constitution.

Introductory statements

104. The Worker members stated that they had examined with great interest the first General Survey on the instruments adopted in 1978. This Committee had already emphasized that these surveys could also fulfil the function of evaluating standards, a view that had been endorsed by the Director-General in his Report. The task of the Committee of Experts consisted of identifying problems of interpretation or application and making suggestions for their solution; bringing to light the strong points, as well as the weak points of the Convention with a view to facilitating its ratification and application; and describing the national practices which exemplified the best manner of implementing the provisions of the Convention. In its final remarks, the Committee of Experts outlined in balanced terms the advantages of ratifying the Convention. Like the Committee of Experts, they regretted that a number of States have not supplied all the necessary information on the budgetary or institutional difficulties facing labour administration or on the reasons which were delaying or preventing the ratification of the Convention.

105. The Worker members noted that this Convention, which had been well prepared and adopted unanimously, was closely linked with Conventions Nos. 81 and 144. It was also based on article 11 of the Constitution, which provided for the direct communication of labour administrations with the ILO. Moreover, its application facilitated access to technical cooperation. These instruments had the advantage of promoting a coordinated and, as emphasized in the General Survey, a dynamic approach by the various competent authorities engaged in ensuring effective labour inspection. However, the administrations and ministries concerned did not currently benefit from any priority treatment in terms of budgetary resources and only rarely received any significant political support. This situation was not tenable at a time when the economic and social changes resulting from globalization and structural adjustment should be making labour administration even more indispensable.

106. The Worker members pointed out that, in spite of its relevance, the Convention had been ratified by only 39 member States. It was surprising, as pointed out by the Chair of the Committee of Experts, that a related Convention which contained more stringent requirements, such as Convention No. 81, had received wider ratification than this Convention, which was of a more promotional nature. These instruments sought principally to establish a coordinated and efficient system of labour administration ensuring good collaboration with employers' and workers' organizations. As recalled by the Committee of Experts, they were originally intended to protect the nascent administrations against the risk of marginalization. However, 20 years later, labour administrations in many countries still occupied secondary places in the hierarchy of priorities, even if it was generally recognized that the proper functioning of the labour market was a decisive factor in economic success. This could be interpreted, as had been done by the Committee of Experts, as a consequence of the concept promoted, particularly by the IMF, according to which employment was facilitated by deregulation and the weakening or suppression of the institutions of dialogue between the social partners. The idea that this dialogue was necessary to ensure economic growth was once again gaining prominence, although much remained to be done for it to be shared by political decision-makers and received budgetary support.

107. According to the Worker members, the chapter on the various functions of labour administration systems recalled that these included promoting the practical application of international labour standards by facilitating their incorporation into national law and practice. Another essential function concerned the establishment of the dynamic partnership between public or semi-public bodies and workers' and employers' organizations in the application of national labour and employment policies. The third essential function of labour administration, related to the previous ones, consisted of guaranteeing protection of freedom of association and efficient collective bargaining. While democratic progress supported collective bargaining and tripartite cooperation, their institutional framework was being weakened by economic difficulties. The Committee of Experts was right to refer to the conclusions adopted by the Conference the previous year concerning tripartite consultations in relation to economic and social policies, which had noted the same trends. The survey had the merit of dispelling misunderstandings concerning the obligations resulting from Article 7 of the Convention, which appeared to be at the origin of a reticence by some countries to ratify it. By providing for the possibility to extend the functions of labour administration to other categories of workers, such as self-employed workers, farmers or workers in the informal sector, the Convention did not oblige the State Party to apply its legislation to these categories of workers.

108. The Worker members shared the concern expressed by the Committee of Experts with regard to the major difficulties facing labour administration, one of the consequences of which was late reporting or failure to report. These conclusions should be borne in mind when the Committee of Experts noted the relatively low level of resources allocated to labour administrations in the industrialized countries, or when it observed that this was one of the lowest budgetary priorities in the developing countries, because under-financing had a direct consequence on the services provided, and therefore on living and working conditions. The examination of difficulties relating to ratification showed that they were not insurmountable, irrespective of whether they were related to the scope of Article 7 or to the provisions of Article 2, which made it possible to delegate certain activities to employers' and workers' organizations. The Committee of Experts had made a useful contribution in dissipating possible misunderstandings in this respect. Governments should be called upon to re-examine their position in this respect in consultation with the social partners. Its ratification should be promoted because the Convention provided an institutional framework to improve the functioning of the labour market and the employment situation and to stimulate economic growth, as emphasized in the final remarks of the survey.

109. The Employer members commended the General Survey of the Committee of Experts. Employment laws and regulations would be worthless if there were no system of labour administration to assess and enforce compliance. In this respect, it was disappointing that some 52 per cent of member States had not provided the reports due under article 19 of the Constitution for the purposes of this survey. This was a serious problem which compromised the ability of the

Committee of Experts to provide an accurate and complete assessment of the situation as regards labour administration throughout the world. The development of an effective system of labour administration was a difficult proposition which varied widely due to the broad diversity of national conditions, including their historical and economic development, culture, government structures, country size and financial resources. Convention No. 150 and Recommendation No. 158 therefore provided general guidelines for the general institutional framework of labour administration. They were notable instruments because they were not the product of the process of extensive amendment, subamendment and voting that was normally involved in the development of international labour standards. In view of the broad differences among countries, the texts of the two instruments had largely been formulated by the Drafting Committee. Because the Convention was drafted in general terms and because of the limited legislative history of labour administration, there was no basis under the Vienna Convention to establish more precise requirements. Under Article 1 of the Convention, the systems of labour administration and national labour policy were to be approached in a broad manner which gave ratifying States a great deal of discretion. In accordance with national conditions, Article 4 required the organization and effective operation of a coordinated system of labour administration with, under the terms of Article 5, input from organizations of employers and workers.

110. The Employer members noted that the functions of the system of labour administration related to the principal fields of national labour policy, which was still evolving and which included labour protection, employment, research and labour relations. The fact that several other aspects of national labour policy not covered by the Convention were described in the General Survey bore witness to the rapid changes taking place at the workplace, as well as to the adaptability and flexibility of the Convention. Indeed, the General Survey amounted to a compendium of change at the workplace and in labour administration. In view of the fact that social security retirement systems were experiencing a period of far-reaching financial crisis throughout the world, and also in view of the flexibility of the Convention and recent discussions concerning the need to revise certain of the ILO's social security Conventions, it was surprising that the Committee of Experts had adopted an unreceptive approach to privatization alternatives that could make publicly financed systems of labour administration more solvent. This position by the Committee of Experts showed a failure to acknowledge that publicly financed schemes could no longer be funded in traditional ways without absorbing a disproportionate share of national economic output. The fact that fewer than 25 member States had ratified recent ILO social security Conventions was further proof of the outmoded nature of this attitude.

111. The Employers stated that, in its comments on employment and human resources development, the Committee of Experts had overstated the functions of the system of labour administration when they observed that almost all countries had endowed their system with a fundamental role in formulating and implementing national employment policy. The conclusions of the Conference's discussions in 1996 on employment policies in a global economy had emphasized that the essential requirements of employment policy were a stable economic, political, legal and social environment; low inflation; low interest rates; coherent macroeconomic policies; stable exchange rates; enforceable contracts; open markets; stable commodity prices; low taxes; currency liberalization; and debt reduction. With the exception of guarantees concerning human rights, these were matters which lay well outside the scope and competence of labour administration systems. In view of the lack of legislative history on what was meant by the technical committee which drafted the Convention on this point, it was incorrect to convert the instrument into an employment policy administration Convention. The Employer members pointed out that when Article 6, paragraph 2, of the Convention required labour administration systems to take into account relevant international labour standards, this did not mean that the Conventions embodying those standards needed to be ratified or applied. Commenting on the provisions of Article 7 of the Convention, which provided for an extension of the functions of labour administration to non-wage workers, the Employer members believed that it would be difficult to cover persons working voluntarily for themselves, especially when they operated outside the regular labour market in the informal sector and engaged no outside help. Such persons would even fall outside the scope of the discussion on contract labour which, if they were adopted, would result in instruments covering slightly less than 1 per cent of the workforce.

112. The Employer members noted that since the adoption of the instruments on labour administration, there had been a number of important changes to the economic and social context in which such systems operated. These included globalization, the development of regional trading blocs, a tightening of government budgets, increased privatization, the restructuring of companies and the worldwide recognition of the pre-eminence of market economies. The fact that the Convention continued to be relevant was a testament to a degree of flexibility that should have been included in many other standards to ensure their durability. In particular, the Convention needed to be particularly flexible and adaptable in a situation of falling trade barriers, instant communications, relatively rapid and inexpensive international transport and the rapidly changing technologies that were shaping labour markets and the rules of the game, which differed substantially from those pertaining when the standards had been adopted. Although there were no simple strategies for labour administration, approaches adopting management techniques and treating users as customers who needed information and advice were yielding better results than the traditional and more expensive adversarial enforcement systems. Other approaches, including mediation and arbitration were providing swifter and more effective labour administration. In this respect, the Committee of Experts had placed too much emphasis on the importance of material means and human and financial resources as a measure of the effectiveness of labour administration systems and the quality of the services that they provided. In at least one large country, the number of workplace injuries was declining at a time when workplace inspections were being reduced.

113. The Employer members pointed out that, even with its inherent flexibility, the Convention had only been ratified by 39 countries since it had come into force in 1980. Moreover, 70 per cent of the ratifications had been registered up to 1985. Convention No. 150 had model character because of its very flexible provisions. It was therefore surprising that other Conventions imposing more detailed obligations on member States had been ratified at higher levels. The General Survey clearly indicated that many member States misunderstood the requirements of the Convention and its basic flexibility. The survey would therefore contribute significantly to clarifying the requirements of the Convention which did not, for the most part, impose an obligation to produce specific results, but rather encouraged ratifying States to use their best efforts to improve their labour administration systems. More ILO technical assistance, outreach and promotion of the Convention was required. In view of the much higher ratification levels for far more prescriptive Conventions, it was ironic that a primarily procedural and goals-oriented instrument, on a subject that was essential to the implementation of employment law, had received so few ratifications.

114. The discussion that followed after the presentation from the spokespersons for the Employers and Workers centred around several subjects essentially concerning the continuing relevance and flexibility of the instruments in the context of challenges which have resulted from economic globalization and increased competition; the importance of tripartism; functions of labour administration; available resources and ILO assistance; prospects for ratification.

Relevance and flexibility of the instruments

115. A large number of Committee members underlined the importance, relevance and continuing usefulness of the instruments because of their flexibility, in the context of economic globalization, liberalization and structural adjustment.

116. The Government member of Belgium considered that it was appropriate to study the instruments on labour administration at a time when the ILO was examining the consequences of globalization, since observance of the ILO's objectives and the application of international labour Conventions depended on the proper functioning of labour administration. The instruments covered by the survey provided the institutional framework for the fulfilment of the responsibilities that derived from membership of the ILO. Not in the least obsolete, they also offered all the desirable flexibility. The Government member of Greece also underlined the relevance of these instruments which help improve systems of labour administration. The Government member of Haiti noted that Convention No. 150 is a constant point of reference and model for the concept of labour administration. The Government member of Morocco, noting the prime objective of the Convention as being to ensure a coordinated labour administration, underlined the importance of the Convention in the current context of open markets. Even if it is not one of the fundamental Conventions, this Convention deserves special attention as it permits the enforcement of other Conventions and principles promoted by the ILO. The Government of Tunisia noted that the discussion concerning the Convention was of great topical relevance in view of the important changes that numerous States were faced with in the context of the globalization of the economy and the impact of structural adjustment programmes. While labour administrations were witnessing an increase of their functions, their resources were being reduced. Labour administrations had, at present to assume a series of functions not within their traditional competence. In order to limit the negative impact of the economic upheavals caused by globalization, States should ensure social progress and permit labour administrations to promote employment and job security, to assist self-employed workers and to support medium and small enterprises. Competitiveness should not be maintained artificially by having recourse to simplistic solutions, such as massive lay-offs, a reduction of social coverage or a deterioration of working conditions.

117. The Worker member of Spain was pleased that labour administration was the subject of this General Survey as it was important not only to set out rights but also to ensure their respect. Convention No. 150 aimed at guaranteeing the application of the provisions of the fundamental Conventions of the ILO. The ILO should not, in his opinion, limit its supervisory activities to the fundamental Conventions and should not ignore other instruments like Convention No. 150. The Worker member of India noted that Convention No. 150 permitted the enforcement of the other Conventions as well as flexibility as regards its own implementation. A Worker member of Germany and Zimbabwe also referred to the flexibility of the provisions of the Convention as well as to the general guidelines that it provides. The former noted that the Convention contained very basic provisions, including only few special provisions in the implementation of which account could be taken of the various national legal systems. The latter recalled that Convention No. 150 provided general guidelines for a coordinated and effective national labour administration, without making specific requirements. It defined the role, functions and organization of national systems of labour administration in order to help and encourage member States to adopt cohesive and efficient structures which were relevant to technological developments, globalization and changes in world trade. The instrument could apply to all member States regardless of their level of development. Its greatest strength lay in allowing flexibility to achieve its aims and permitting a variety of approaches adapted to different and changing national circumstances. The Convention therefore made a very important contribution to the establishment of a coherent national social and economic policy. The Worker member of Japan highlighted the importance of labour administration in protecting the rights and interests of workers in the current context of fierce competition between enterprises and governmental policies which favoured deregulation of the market. The Worker member of Pakistan considered the role of labour administration to be very important, not only for the formulation of the labour policy in conformity with international labour standards, but also for its implementation at the national level.

Relevance of tripartism

118. Basing themselves on Article 5 of Convention No. 150 which deals with consultation, cooperation and negotiation between the public authorities and the most representative organizations of employers and workers, or — where appropriate — employers' and workers' representatives, a great number of speakers emphasized the importance of tripartite cooperation by showing the need to have constructive consultation with the social partners and their organizations at all stages of the preparation, administration and review of labour standards and employment policy.

119. The Government member of Trinidad and Tobago considered the General Survey provided a good basis for tripartite deliberation on the subject. The Government member of Argentina stressed the importance of tripartism in this domain. To comply with its obligations under the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), her Government was seeking to ensure consultations on the process of determining penalties under the labour legislation. Several Governments referred to their national practice. The Government members of Equatorial Guinea, India and Romania provided particulars concerning their national practice on labour administration. The Government member of Equatorial Guinea stated that his country had a law which regulated labour policy and labour administration which attributed essential functions to employers' and workers' organizations in the fulfilment of the aims of economic, social and cultural progress. It provided that these organizations should take part in the conciliation and arbitration procedures in labour disputes. The Government member of India indicated that in his country there were two national level tripartite consultative bodies where consultations regularly took place on the development, adoption and review of labour standards and their application. The services of the administration machinery were made available to workers' and employers' organizations for regulating the terms and conditions of employment through conciliation machinery or by registration of bipartite settlements. The Government member of Romania indicated that advisory committees had been created under the auspices of the Reform Council, ministries and local administrations. She was convinced that high quality tripartite dialogue was a prerequisite for this success of economic and social reform.

120. Many Worker members also underlined the importance of tripartism. The Worker member of Germany stated that to ensure an effective system of labour administration, employers, workers and their organizations, should participate alongside the public authorities in the design and implementation of national labour policy. This active partnership ensured the success and practical effectiveness of the system. In his view Germany was a good example of a country where the social partners had played a historical role in the development of labour administration and were continuing to do so. The Worker member of the Republic of Korea insisted on the importance of systems of labour administration comprising a tripartite structure. There was often an imbalance in the tripartite composition of labour administration which led to the under-participation of social partners in the process of consulting and reviewing national employment policy. Throughout 1996, the revision of Korean labour legislation had been discussed by a commission, but workers had been insufficiently represented and the result was that their rights and interests were not fully taken into account. For the stability of industrial relations, labour administration had to reflect genuine tripartism. The Worker member of Spain stressed the importance of Article 5 of the Convention concerning consultation, cooperation and negotiations between public authorities and the most representative organizations of employers and workers. The non-application of this Article was generally explained by a lack of confidence in the social partners. Thus, in his country, the signing of various agreements bore witness to the confidence that was placed in the social partners. It was incumbent on the ILO to help governments to implement Article 5 of the Convention. The Worker member of Singapore stated that she also supported the call in paragraph 259 of the General Survey for tripartite collaboration in the development of strategies to respond to the challenges in a planned and organized manner. Although Convention No. 150 had not been identified as one of the ILO's fundamental Conventions, it reflected the major themes and values promoted by the ILO and in particular the paramount importance of machinery or collective agreements. The Worker member of Uruguay stated the workers' organizations were calling for a broadening of trade union rights in Uruguay, in dialogue with the Government and the employers. The Worker member of Zimbabwe stated that Convention No. 150 promoted the

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paramount principle of tripartite consultation in labour administration systems. Tripartite consultation was vital to the success of structural adjustment programmes, which were being undertaken by most African governments. This included consultation with organizations of employers and workers at the design and implementation stages of economic development processes.

Functions of labour administration

121. Many members of the Committee referred to one or various main functions and tasks of the competent bodies of labour administration as mentioned in the instruments or carried out in national practice. They specifically referred to national employment policy, human resource development, some protective aspects of national labour policy such as social security, occupational safety and health and the role of labour inspection.

122. Worker members of Germany and Pakistan referred to the role of labour administration in the preparation and administration of national employment policy. The first stated that he considered that employment policy was one of the essential functions of labour administration and that industry-targeted policy was not enough to promote employment. What was also needed was a comprehensive public infrastructure. Although the Convention did not contain special provisions concerning human resources, it was indisputably an employment policy issue. Recommendation No. 158 also linked occupational guidance and vocational training policies to employment policy, as had the conclusions of the 1996 Conference Committee on Employment Policies. The second stated that the employment situation everywhere was critical and one of the major roles of labour administration was to prepare the young labour force, through training and retraining opportunities and facilities, so that they could meet the requirements of new labour markets. Even where there were jobs, unskilled manpower could not meet the requirements of the labour market and still did not have access to gainful employment.

123. The Government members of Morocco and Tunisia referred to activities of their labour administration especially concerning the preparation of laws, the promotion of collective bargaining, and settlement of collective labour disputes. The latter referred to assistance to disabled and older workers and the improvement of social cover. Placement agencies had been set up throughout the country on the national and local levels and training and retraining centres created. The social progress in his country was due to political will and the active participation of employers and workers but also to a well developed labour administration.

124. The Government member of Argentina underlined the efforts of the central labour authorities to promote skills, capacity-building and career prospects of the members of their staff.

125. With respect to the role of labour administration in social security matters, a Worker member of Germany considered that with regard to privatized systems, it was workers who bore the highest risk and who could least sustain it. Comparing the social protection in Germany and the United States, he stated that the level of social protection in the United States was surely not better than in Germany. With regard to privatized systems, workers who bore the highest risk were those who could least sustain it. Therefore, it was not possible to conclude that a private system would be cheaper and more efficient.

126. Regarding worker protection the Worker member of China emphasized that the protection provided to workers by labour legislation could only be made effective through labour administration systems, which covered such important areas as labour force management, the control of wages, effective labour inspection. The relevant rules were not enforced and workers' rights were not protected. Noting that workers' organizations should play an active role in labour administration, she described the role played by Chinese trade unions in the implementation of the relevant laws.

127. The Worker member of the United States responded to the Employer members' statement concerning possible reasons for declining workplace inspections, in particular in the field of occupational safety and health. He stated that according to the Employer members voluntary compliance and cooperation had significantly reduced the problem and need for such intervention. He strongly challenged the Employer members on this. One part of their premise was certainly true — there were unquestionably fewer workplace inspection and enforcement measures regarding occupational safety and health in the United States. As for the rest of the Employer members' premise, he questioned if the fall in inspections and enforcement measures was due to a significant diminution of occupational safety and health threats to United States workers. Official OSHA statistics again proved the Employer members wrong: there were approximately 7.9 million workers in the United States who were not within federal and state OSHA jurisdiction. The economic costs of workplace safety and health did not indicate more voluntary compliance and a lesser problem since over 70 billion US dollars per year were spent on workers' compensation, not to mention the millions of dollars of lost productivity due to workplace-caused sickness and injury. He stressed that the devastating drop in governmental inspection and enforcement in workplaces was not due to a diminution of the problem — it was due to an anti-worker political assault which took many forms, such as budget cuts, hiring freezes and cut-backs and neo-liberal reductions in vital federal and state occupational safety and health agencies. The United States had not reduced its workplace safety and health capability because it was a workers' safety and health paradise; on the contrary, that country had become, regrettably, an increasingly dangerous place to work.

128. A Worker member of Germany referred to the importance of strong social institutions in the context of economic restructuring. For instance, without its strong labour inspection system, Germany could not have undergone its reunification with such a low level of conflict.

129. The Worker member of Pakistan considered that the workplace was becoming more hazardous and that it was the responsibility of governments to change their inspection systems and to train workers and employers in coping with industrial accidents and occupational diseases. He stated that Pakistan had a large rural workforce where labour laws did not apply and facilities were lacking. Some minimum guarantees against accidents and minimum wage protection had to be provided to these members of the labour force. Women and children were subjected to even more intolerable forms of discrimination which could only be tackled by an effective labour administration.

130. The Worker member of the Republic of Korea mentioned that his country had ratified the Labour Inspection Convention, 1947 (No. 81), the Employment Policy Convention, 1964 (No. 122), and the Human Resources Development Convention, 1975 (No. 142), but none of the seven fundamental human rights Conventions. Korean workers had staged demonstrations over the labour law reforms earlier this year and these were issues closely related to labour administration, since they involved employment policy, safety and health and vocational training. The revision of the labour legislation had not fully taken into account their rights and interests.

131. The Worker member of India stated that in his country, structural adjustment had resulted in a substantial increase of the level of unemployment. National circulars were weakening labour inspection with a resulting deterioration of working conditions in factories. It was of utmost importance to reduce the impact of such structural adjustment measures because labour inspection could play a major role in the area of child labour, in the informal sector as well as in export processing zones. Labour administration should remain impartial and report objectively on the application of labour laws.

132. The Government member of Uganda referred to difficulties faced in the implementation of Convention No. 81 and in the decentralization of labour administration. With reference to cooperation with the ILO, he noted the recent measures taken in this domain. Labour administration had been included in the country objectives for Uganda and that the draft employment policy had been debated earlier in the year by the social partners and other stakeholders. A tripartite Minimum Wages Advisory Board had been appointed and its report was being considered by the Government. Moreover, negotiating machinery for the public service had been developed. He also informed the Committee that his Government was working very closely with ILO/International Programme for the Elimination of Child Labour (IPEC) to develop a project for the elimination of the most intolerable forms of child labour. In addition, his country had hosted a conference on the harmonization of labour legislation and the promotion of tripartism in East Africa.

Organization, human and financial resources and technical assistance

133. Many Government members brought up the precarious state of labour administration and the lack of means at their disposal. The Government member of Trinidad and Tobago stated that his Government supported the recommendation in the General Survey that national budgets should be increased for labour administration and that governments should be encouraged to recognize the great importance of labour ministries and the need for effective and efficient labour administration systems. He stated that in his country, only 0.22 per cent of the national budget was allocated to labour matters. With reference to the quality of the staffing of labour administration departments, he welcomed the assistance provided to his country by the ILO in this respect. The Government members of Equatorial Guinea, Haiti, Morocco and Tunisia emphasized the importance of putting adequate means at the disposal of labour administration for their proper operation. In this context they underlined the need to strengthen ILO technical assistance. The Government member of Equatorial Guinea referred to the lack of human resources and material means to respond to the needs throughout the country. He stressed that the ILO should support national efforts in this regard. The Government member of Haiti recalled the importance for Haiti of the technical assistance which it had requested from the Office on this matter. The Government member of Morocco stressed that the ILO should support national efforts in this regard and that the regional activities of the Organization should be expanded, in particular for African and Arab countries. The Government member of Tunisia stated that the Office should provide technical assistance for the close monitoring of Convention No. 150, especially to developing countries. Cooperation at the international level, comparable to that of the Arab Regional Centre for Labour Administration (RAPLA), should be supported by the ILO.

Difficulties and prospects of ratification

134. With respect to prospects of ratification the Government member of Germany stated that this survey was more detailed than some previous surveys, particularly with regard to the question of obstacles to ratification. It was a good example of how better use could be made of the possibilities offered by reports on non-ratified Conventions, along the lines suggested by the Director-General in his Report this year. It would also be useful for such General Surveys also to cover the difficulties encountered by ratifying States.

135. The Government member of Belgium considered that the broad ratification of these instruments would have the triple advantage of: improving the impact of the technical assistance of the ILO by decreasing the dependence of both member States and of the Office on competing international expertise and help; facilitating the implementation of national policies responding to the ILO's major concerns in the area of fundamental standards, employment and occupational safety and health; and increasing involvement in the ILO's activities through a continuous dialogue between the social partners and government authorities.

136. The Government member of Trinidad and Tobago informed the Committee that at the 13th meeting of the Caribbean Community (CARICOM) Standing Committee of Ministers with responsibility for labour, CARICOM member countries had been requested to give priority to the strengthening of their respective labour administration systems and the ratification of Convention No. 150. To date only two of the 13 CARICOM countries had ratified the Convention, despite the fact that the principles set out in the Convention and Recommendation were generally adhered to in the region.

137. The Worker member of Japan indicated that labour administration should constitute a basis for an equitable development and, consequently, labour administrations should not be weakened. The ratification of Convention No. 150 and the implementation of legislation ensuring respect of its provisions at the national level were indispensable in this regard. The Worker member of Pakistan called for more ratifications of the Convention.

138. The Government member of Haiti stated that his Government was considering the revision of the Labour Code in order to render it more efficient and better adapted to the current needs and to the ongoing administrative reforms, as well as more in line with international standards. An effort was being made to vitalize and restructure the labour inspection system. The Government member of

India described various arrangements which demonstrated that his country respected the spirit of Convention No. 150 but his Government considered it not possible to ratify this Convention because of Articles 2 and 7. The structure and character of the employers' and workers' organizations made Article 2's requirements impractical. In the context of the globalization of the economy and the need for public expenditure cut-backs, it could not be envisaged at this stage of development to request labour administration to cover all workers as envisaged under Article 7.

Final remarks

139. In their conclusions on the discussion of the General Survey, the Employer members regretted that of the 24 speakers in the debate, only four represented countries which had ratified Convention No. 150, the rest participating to explain the obstacles to its ratification. It would have been useful to have heard more about its implementation from countries which had ratified it because shared experiences were very valuable, especially in improving the effectiveness of labour administration systems. He was also disappointed in the low rate of reports sent under article 19 in respect of this General Survey. In spite of this, the Committee of Experts had been able to prepare what all speakers had agreed was a useful General Survey, stressing the flexibility and range of Convention No. 150. There was general agreement on the continued validity of the Convention and the need for its ratification. It provided a structure, general guidelines and an institutional framework. It allowed a great deal of national discretion as regards implementation, as long as it was coordinated and effective, as long as the country provided labour protection, unemployment insurance or conducted research, the activity had to be organized and effective. Likewise, this meant that if a country did not have a particular labour law or employment protection, the Convention did not require this, as long as the functions listed in Article 6 — such as research — were fulfilled. The difficulty was that, notwithstanding the generality of the Convention, it had received few ratifications. This was puzzling because labour inspection was the basis for enforcing all labour matters. Perhaps governments hesitated because there was a tendency to put too much in this Convention; there had to be a distinction between flexibility and vagueness. The ideal Convention was one which was short and was composed of clear general principles. Articles 1 to 6 of the Convention came close to this. The Employer members generally supported the aims of the Convention and, while not necessarily agreeing with all the comments in the survey, wished to point out that sometimes the language used could create the impression that the Convention was wider than it was in reality.

140. As for the privatization of social security, the Employer members pointed out that the debate had reached a point where reactions were becoming automatic, yet this was not a black or white issue. Some members of the Committee had suggested that governments be the guarantor of everything: retirement benefits, health care, and so on. Governments could no longer afford to do this, so other strategies had to be explored. It did not have to be a choice between completely private or completely public financing, but could be a blend of systems.

141. Regarding the role of labour administration in employment policy, the Employer members also pointed out that the words "national employment policy" were mentioned only once in the Convention, in Article 6(2)(a). If a country handled certain employment policy issues, then the requirements of coordination, checking and review applied. But the Convention was not all-encompassing and the Committee of Experts was over-reading it if they perceived that the system of labour administration had a central role to play in employment policies. The Employer members considered that the Committee of Experts placed too much emphasis on the amount of material resources, both human and financial, that member States required for an effective system of labour administration. All governments were under severe budget restrictions and governments, like the private sector, had to look at a variety of new and different approaches to obtain their objectives. For example, there were more cost-effective ways to undertake the education and training of employers, workers and their organizations in basic worker protection, and private audit agencies might be used to perform the same functions as government inspection teams. The Convention was a constructive one which deserved serious consideration by the Committee.

142. The Worker members noted that all the interventions made had confirmed the importance of Convention No. 150 and Recommendation No. 158, in an era when countries and regions all over the world were confronted with major political changes. This confirmed, more than ever before, the value of the general directions contained in these two instruments adopted in 1978. Several speakers, in particular from industrialized governments, had voiced the specific and substantial problems that their national labour administrations were facing. Further, although the efficiency of labour administration systems did not depend only on budgetary means and qualified personnel, a certain minimum level was still required to ensure that they functioned properly. At the same time, however, the level of resources allocated gave an indication of the political importance attributed to different ministries in any particular country. The Worker members subscribed to the plea for an active support of the ILO in order to convince politicians in charge as well as other international organizations that proper labour administration systems were of importance.

143. They underscored that one of the major thrusts of the two instruments on labour administration under examination was the coordinated approach to be given to labour and employment policies. The elaboration, implementation and evaluation of employment policies went beyond the competence of either one of a labour ministry or a labour administration system. In this context it was therefore of essence to adopt, as already had been underscored by the Employer members, a global approach encompassing the economic, social, monetary, legal as well as institutional levels. In this context, labour administrations had a mission to fulfil, as they should take part in the preparation, implementation, coordination, supervision and evaluation of national employment policies as provided for in Convention No. 150. Labour administrations could thereby engage the social partners in the elaboration of such a policy.

144. With respect to social security, the Worker members stressed that the Committee of Experts, in paragraph 83 of the report, only restated their previous observations according to which the new ways to administer social security systems, notably by way of privatization, were a cause of serious concern. The interest of the protected persons should be fully taken into account and the representatives of these persons should continue to be involved in any reform programme. At issue was, in fact, fundamental principles of any democracy and of any sound administration which the public authorities were bound to respect.

145. Finally, the interventions made had also underscored the importance of the General Survey conducted to promote the ratification of these instruments. The Committee of Experts had emphasized that the obligation contained in Article 7 of the Convention is an obligation of means and not of result and that it therefore was not useful to invoke this Article as a cause for non-ratification of Convention No. 150.

146. The Committee commended the quality of the first General Survey of the Committee of Experts on the labour administration instruments. It welcomed the description of national practices which exemplified the best manner of implementing the provisions of the Convention and the advantages of ratifying outlined by the Committee of Experts in its final remarks. Noting the flexible, dynamic and adaptable nature of the provisions of the Convention, the Committee found that the survey was timely and appropriate in view of the important changes that have taken place in the economic and social context in which labour administration operated. It noted that the survey clarified the requirements and contents of the Convention with a view to facilitating its ratification and application.

D. Compliance with specific obligations

147. The Committee decided that, in examining individual cases relating to compliance by States with their obligations under or relating to international labour standards, it would apply the same working methods and criteria as last year, as amended or clarified in 1980 and 1987.

148. In applying those methods, the Committee decided, on the proposal of the Worker members supported by the Employer members, to invite all governments concerned by the comments in paragraphs 102 (compliance with reporting obligations), 109 (supply of first reports), 113 (lack of reply to comments of the supervisory bodies), 138 (special problems relating to submission) and 142 (lack of reports on unratified Conventions and on Recommendations) of the Committee of Experts' report to supply information to the Committee in one half-day sitting to be devoted to those cases. The Committee considered that this approach should in no sense be understood by governments as dispensing them from the need to take part in the Committee's discussions.

Submission of Conventions and Recommendations to the competent authorities

149. In accordance with its terms of reference, the Committee considered the manner in which effect is given to article 19, paragraphs 5 to 7, of the ILO Constitution. These provisions require member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the Conventions and Recommendations adopted at that session to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.

150. The Committee noted from the report of the Committee of Experts (paragraph 131) that considerable efforts to fulfil the submission obligation had been made in certain States, namely: Chad, Guyana, Jordan, Lebanon, Mauritius, Mongolia and Suriname.

151. The Committee was informed by various other States of measures taken to bring Conventions and Recommendations before the competent national authorities. It welcomed the progress achieved and expressed the hope that there would be further improvements in States that still experience difficulties in complying with their obligations.

Failure to submit

152. The Committee noted with regret from paragraph 138 of the Committee of Experts' report that no indication was available that steps had been taken in accordance with article 19 of the Constitution to submit the Conventions and Recommendations adopted between 1988 and 1994 by the 75th to 81st Sessions of the Conference to the competent authorities, in the cases of Cameroon, Ecuador, Guatemala, Guinea, Haiti, Madagascar, Saint Lucia, Seychelles, Sierra Leone, Solomon Islands, Syrian Arab Republic, the United Republic of Tanzania, Yemen.

Supply of reports on ratified Conventions

153. In Part B of this report (General questions relating to international labour standards) the Committee has considered amongst other things the fulfilment by States of their obligation to report on the application of ratified Conventions. By the date of the November-December 1996 meeting of the Committee of Experts, the percentage of reports received was 63.3, compared with 65.8 per cent for the November-December 1995 meeting. Since then, further reports have been received, bringing the figure to 78.2 per cent (as compared with 78.9 per cent in June 1996, 82.0 per cent in June 1995 and 77.2 per cent in June 1994). In November-December 1996, the Committee of Experts noted that 70.4 per cent of the reports on Conventions for which information on practical application was requested contained such information, compared with 73.4 per cent in November-December 1995 and 62.5 per cent in February-March 1995. The Committee emphasizes the importance of sending practical information, without which it is impossible to know if a Convention is actually being applied. The Committee joins the Committee of Experts in appealing to governments to make every effort to include the necessary information in future reports.

Failure to supply reports and information on the application of ratified Conventions

154. The Committee noted with regret that no reports on ratified Conventions had been supplied for two years or more by the following States: Armenia, Bolivia, Bosnia and Herzegovina, Burundi, Liberia, the Netherlands (Aruba), Saint Lucia, Sierra Leone and Somalia.

155. The Committee also noted with regret that no first reports due since 1992 on the ratified Conventions had been supplied by the following countries: Liberia (Convention No. 133); or since 1993, by Yemen (Convention No. 159); or since 1994 by Latvia (Conventions Nos. 111, 122, 135 and 151); and since 1995 by Armenia (Convention No.111); Burundi (Conventions Nos. 87, 100 and 111), Kyrgyzstan (Conventions Nos. 133 and 160), the Republic of Moldova (Convention No. 105), Nigeria (Convention No. 144), Seychelles (Convention No.149). It stressed the special importance of first reports, on which the Committee of Experts bases its first evaluation of compliance with ratified Conventions.

156. In this year's report, the Committee of Experts noted that 28 governments had not communicated replies to most or any of the observations and direct requests relating to Conventions on which reports were due for examination this year, involving a total of 323 cases (compared with 337 cases in March 1995 and 354 the previous year). The Committee was informed that, since the meeting of the Committee of Experts, 11 of the governments concerned had sent replies, which would be examined by the Committee of Experts at its next session.

157. The Committee noted with regret that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 1996 from the following countries: Barbados, Bolivia, Burundi, Czech Republic, Denmark (Greenland), Djibouti, Estonia, France (French Polynesia), Grenada, Guinea, Guinea-Bissau, the Islamic Republic of Iran, Iraq, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Libyan Arab Jamahiriya, Mozambique, Myanmar, the Netherlands (Aruba), Rwanda, Saint Lucia, Sierra Leone, Somalia, Swaziland, the United Republic of Tanzania, Yemen.

158. The Committee noted the explanations provided by the Governments of the following countries concerning difficulties encountered in discharging their obligations: Barbados, Bosnia and Herzegovina, Czech Republic, Denmark (Greenland), Djibouti, France (French Polynesia), Guatemala, Jamaica, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mauritania, Myanmar, the Netherlands (Aruba), Papua New Guinea, Paraguay, Rwanda, Seychelles, Swaziland, the United Republic of Tanzania, Trinidad and Tobago.

159. The Committee stressed that the obligation to transmit reports is the basis of the supervisory system. It requests the Director-General to adopt all possible measures to improve the situation and solve the problems referred to above as quickly as possible. It expressed the hope that the multidisciplinary teams would give all due attention in their work in the field to standards-related issues and in particular to the fulfilment of standards-related obligations. The Committee also bore in mind the new reporting arrangements approved by the Governing Body in November 1993, which came into operation from 1995.

Application of ratified Conventions

160. The Committee noted with particular interest the steps taken by a number of governments to ensure compliance with ratified Conventions. The Committee of Experts listed in paragraph 119 of its report new cases in which governments had made changes to their law and practice following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. There were 25 such cases, relating to 21 countries; 2,132 cases of progress have been recorded since the Committee of

Experts began listing them in 1964. These results are tangible proof of the effectiveness of the supervisory system.

161. At its present session, the Committee was informed of other instances in which measures had recently been or were about to be taken by governments with a view to ensuring the implementation of ratified Conventions. While it is for the Committee of Experts to examine these measures, the present Committee welcomes them as fresh evidence of the efforts made by governments to comply with their international obligations and to act upon the comments of the supervisory bodies.

162. The Committee thought it appropriate to draw the attention of the Conference to various important cases which it had to consider.

Cases of progress

163. The Committee noted with satisfaction that in a number of cases — including many involving basic human rights — governments have introduced changes in their law and practice in order to eliminate divergencies previously discussed by the Committee. It considers highlighting these cases a positive approach towards influencing governments to respond to comments of the supervisory bodies. In this respect, it refers to the report of the Committee of Experts and the discussion of individual cases which appears in Part Two of this report.

164. The Committee noted with satisfaction that in the following case the Government has introduced changes in law or practice in order to eliminate one of the divergencies (the right to organize of GCHQ staff) previously discussed by the Committee: the United Kingdom (Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)).

Special cases

165. The Committee considered it appropriate to draw the attention of the Conference to its discussions of the cases mentioned in the following paragraphs, a full record of which appears in Part Two of this report.

166. As regards the application by the Islamic Republic of Iran of Convention No. 111, the Committee took note of the observations that the Committee of Experts had been formulating for several years, the oral information presented by the Government representative as well as the detailed discussion in the Committee. It also took note of the explanations provided by the Government for not heeding the offer of a direct contacts mission, as well as on technical assistance which had been provided in accordance with the priority given by the Government. The Committee noted with concern that in spite of concrete initiatives and time which had elapsed, violations of the provisions of this as well as other Conventions subsisted, and required additional information. The Committee therefore expressed the firm hope that it would be informed of the measures that would be adopted in order to eliminate any form of discrimination in job offers as well as in the criteria applied by the competent authorities to declare certain groups illegal. The Committee notes the statistical information on the employment of religious minorities and women, the information on the constitutional provision according to which it is forbidden to question people about their beliefs and the amendment permitting women to hold certain functions in the judiciary. The Committee expressed the wish that the Government would continue to provide information on progress made until such time as the national legislation and practice were in full conformity with the provisions of the Convention. The Committee strongly urged the Government to accept the direct contacts mission evoked last year, in order to be able to register rapid and noticeable progress.

167. As regards the application by Morocco of Convention No. 98, the Committee noted the information provided by the Government representative and the debate that followed. The Committee recalled that it had discussed this case on several occasions in 1987, 1988 and 1994. The Committee noted that both the Committee of Experts and the Committee on Freedom of Association had criticized the divergencies between law and practice in relation to the provisions of Articles 1, 2 and 4 of the Convention. Despite the fact that the Government had undertaken to submit a draft Labour Code to Parliament to bring its legislation into full conformity with the Convention, the Committee was bound to regret with deep concern the numerous complaints concerning measures of anti-union discrimination and interference in trade union activities submitted to the Committee on Freedom of Association. The Committee urged the Government to supply the above text so that the Committee of Experts could examine whether its provisions guaranteed adequate protection to workers against acts of anti-union discrimination and to workers' organizations against acts of interference, and whether they promoted to voluntary negotiation of collective agreements for the determination of terms and conditions of employment. The Committee once again urged the Government to indicate in its next report whether the draft Labour Code and the draft Law on the Settlement of Collective Disputes, to which it had referred, had been adopted. The Committee expressed the firm hope that it would be able to note substantial progress in this respect in the very near future. The Committee regretted that the Government had not accepted the proposal to invite a direct contacts mission, as the Committee had requested the Government to do three years ago.

168. As regards the application by Myanmar of Convention No. 87, the Committee took note of the statements made by the Government representative and of the wide discussion which took place. It recalled that this case has been discussed by the Committee on numerous occasions, in 1987, 1989, 1993, 1994, 1995 and 1996. In 1995, the Committee put its conclusions in a special paragraph of its General Report, and in 1996 it also mentioned this case in a section of its General Report highlighting the continued failure to implement, taking into account that, for many years and in spite of various appeals, serious discrepancies with the Convention continued to exist in legislation and practice. The Committee could not but deplore the fact that no government report was received by the Committee of Experts and expressed its profound regret that serious divergencies between the national legislation and the Convention continued to exist. It also deplored the fact that the Government failed to cooperate. Being greatly concerned with the total absence of progress in the application of the Convention, the Committee once again urged the Government to adopt, as a priority, the measures and mechanisms necessary to guarantee, in legislation and practice, to all workers and employers, without any distinction or any previous authorization, the right to join organizations of their own choosing to protect their interests. The Committee insisted also on the need for those organizations to have the right to affiliate with federations and confederations and with the international organizations, without any interference from the public authorities. The Committee expressed a firm hope that substantial progress in the application of the Convention might be noted in the very near future and urged the Government to supply a detailed report to the Committee of Experts.

169. As regards the application by Nigeria of Convention No. 87, the Committee noted the statement of the Government representative and of the debate which followed. The Committee set out its great concern that, although this case had been the subject of a special paragraph in 1995 and 1996, no concrete progress had been made to date in relation to the very grave trade union situation in the country. Both the Committee of Experts and the Committee on Freedom of Association had profoundly deplored the gravity of the situation of trade unions in Nigeria. The Committee once again urged the Government to urgently derogate not only Decrees Nos. 9 and 10 of 1994, concerning dissolution of the executive councils of trade unions persecuted by the public authorities, but also to nullify the Decree of January 1996, which fixed the number of trade unions for each category of profession, and which reinforced the current trade union monopoly. The Committee lamented that notwithstanding the guarantees given by the Government, it had not replied to the request of the Committee on Freedom of Association and the Governing Body to accept an ILO mission to the country with the object of examining the questions raised in this case. The Committee called on the Government to accept without delay this mission in order to examine the trade union situation in Nigeria, including the situation of the imprisoned union leaders. The Committee urged the Government to ensure full respect of civil liberties, essential for the exercise of freedom of association. The Committee expressed the firm hope that it would be able to count important progress in the very near future and asked the Government to send a detailed report to examine anew next year the situation.

170. As regards the application by Sudan of Convention No. 29, the Committee took note of the information supplied by the Government representatives and of the discussion which ensued. For many years the Committee of Experts had been making references to the accusations that forced labour was frequently being imposed with the complicity or indifference of the Government. The same allegations had been made in the various reports of the United Nations Special Rapporteur on the situation of human rights in the Sudan and in the comments made by the World Confederation of Labour. The Committee took note of the detailed information supplied by the Government representatives on the different questions raised, regretted that they had not been submitted earlier and considered that this information, especially that relating to the activities of the committee created by the Government, should be examined by the Committee of Experts. It also took note of the historical background and of the situation of armed conflict prevailing in Sudan, to which one of the Government representatives made reference, as well as his opinion that the allegations were politically motivated. The Committee observed that the Government could not prove the commitment which it declared it had, to spare no efforts so as to bring forced labour to an end. In view of the contradictory information received and the continuing denunciations concerning violations of the Convention, the Committee urged the Government to increase its efforts to give full application to this Convention and request the technical assistance of the Office.

171. As regards the application by Swaziland of Convention No. 87, the Committee took note of the written and oral information supplied by the Government representative, as well as the discussion which ensued. The Committee noted the concern expressed by the Committee of Experts and the Committee on Freedom of Association that, despite a direct contacts mission in October 1996 and specific progress concerning the education sector, the Industrial Relations Act, 1996, contained provisions which further violated the fundamental principles of freedom of association. The Committee expressed its deep concern for the numerous and major discrepancies between the national law and practice on the one hand, and the provisions of the Convention on the other. The Committee urged the Government fully to respect the civil liberties essential to the implementation of the Convention and to apply very rapidly the recommendations of the direct contacts mission, particularly those which the social partners had already agreed upon. The Committee also urged the Government to take all the measures necessary to eliminate the restrictions on the right of workers to constitute organizations of their free choice, to hold meetings and to demonstrate peacefully, to formulate their programmes of action and to bargain collectively. The Committee trusted that the next report would indicate detailed measures adopted by the Government, with the assistance of the Office, to secure the full application of the Convention.

172. The Committee trusts that the governments concerned will take all measures necessary to correct the deficiencies noted and invites them to consider appropriate forms of ILO assistance, including direct contacts, to ensure that real progress is achieved by next year in the observance of their obligations under the ILO Constitution and the Conventions in question.

Continued failure to implement

173. The Committee recalls that its working methods provide for the listing of cases of continued failure over several years to eliminate serious deficiencies, previously discussed, in the application of ratified Conventions. This year the Committee noted with great concern that there had been continued failure over several years to eliminate serious discrepancies in the application by Myanmar of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); by Nigeria of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); and by Sudan of the Forced Labour Convention, 1930 (No. 29).

174. The Governments of the countries to which reference is made in paragraphs 166 to 171 are invited to supply the relevant reports and information to enable the Committee to follow up the above-mentioned matters at the next general session of the Conference.

Supply of reports on unratified Conventions and on Recommendations

175. The Committee notes that 168 of the 307 article 19 reports requested on Convention No. 150 and Recommendation No. 158 were received at the time of the Committee of Experts' meeting, and a further two since, making 55.37 per cent in all.

176. The Committee noted with regret that over the past five years none of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution had been supplied by Afghanistan, Djibouti, Guatemala, Haiti, Jamaica, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Nepal, Nigeria, Papua New Guinea, Paraguay, Saint Lucia, Solomon Islands, Somalia, Trinidad and Tobago, Yemen.

Communication of copies of reports to workers' and employers' organizations

177. Once again this year, the Committee did not have to apply the criterion "The government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated".

Participation in the work of the Committee

178. The Committee wishes to express its gratitude to the 66 governments which collaborated by providing information on the situation in their countries and participating in the discussions of their individual cases.

179. The Committee regrets that, despite the invitations, the Governments of the following States failed to take part in the discussions concerning their countries' fulfilment of their constitutional obligations to report: Afghanistan, Bolivia, Burundi, Cameroon, Ecuador, Estonia, Guinea, Guinea-Bissau, Haiti, the Islamic Republic of Iran, Iraq, Kyrgyzstan, the Republic of Moldova, Mozambique, Nepal, Nigeria, Syrian Arab Republic, Yemen. It decided to mention the cases of these States in the appropriate paragraphs of its report and to inform them in accordance with the usual practice.

180. The Committee notes with regret that the Governments of the States which were not represented at the Conference, namely Armenia, Grenada, Latvia, Liberia, Saint Lucia, Sierra Leone, Solomon Islands, Somalia were unable to participate in the Committee's examination of the cases relating to them. It decided to mention these countries in the appropriate paragraphs of this report and to inform the Governments, in accordance with the usual practice.

* * *

181. The Committee has been delighted, in a year when the Conference has so many items on its agenda relating to international labour standards, by the sustained interest which has been shown in the Organization's work for the supervision of those standards and the consistently high level and quality of participation in that work. The role of "moral conscience" of the Conference is a worthy one, to which the Committee may legitimately aspire: for conscience is that objective and impartial control — or at least monitor — of conscious action to which all humanity is subject, and which provides some inkling of the deepest truths and justices. It is after all the desire for social peace and social justice which lies at the heart of this noble Organization.

182. The strength and the test of the ILO's supervisory processes, though, are those of its whole *oeuvre*: the ability to translate universal principle and standard in the labour and social sphere into deed. About this there is no mystery. The reports of the Committee of Experts on the Application of Conventions and Recommendations and the present Committee abound with the evidence. It consists, in concrete terms, in agreed objectives as to basic human rights and other labour and employment conditions; respect for democratic and legal procedures and commitments freely entered into; dogged devotion to constructive dialogue among governments and independent workers' and employers' organizations at the national and international levels; plus determination to identify and propagate the best possible technical and practical means of achieving those rights and conditions. And, in all of the above, an inexhaustible stock of good faith and hard work.

Geneva, 17 June 1997.

(Signed) A. Callorda Salvo,
Chair.

E.-C. Mihes,
Reporter.

PART TWO

OBSERVATIONS AND INFORMATION CONCERNING PARTICULAR COUNTRIES

I. OBSERVATIONS AND INFORMATION CONCERNING REPORTS ON RATIFIED CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION)

A. General Observations and Information concerning Certain Countries

(a) Failure to supply reports on the application of ratified Conventions

The Employers' members stressed that this obligation concerned all member States which have ratified Conventions. The majority of States complied with this obligation, nevertheless there were nine countries which failed to do so for the past two years or more, not to mention many others that were cited by the Committee of Experts for not having supplied reports due this year. They recalled changes introduced recently to reduce the frequency of reporting on certain Conventions, particularly with the aim of enabling member States to better comply with this obligation. Without reports, the supervisory mechanism could not function. The possibilities offered by ILO technical assistance should be used to ensure precise compliance with this obligation, as was suggested by the Committee of Experts in paragraph 103 of its General Report.

The Workers' members were in full agreement with the Employers' members on this question. Speaking of strengthening the ILO supervisory system, one had to start by complying with the obligation to submit reports. The more flexible procedures adopted in 1993 were aimed specifically at improving compliance with this obligation.

A Government representative of Bosnia and Herzegovina stated that, following the signature of the peace agreements of Dayton in December 1995, the necessary institutional conditions were reestablished to make it possible for her country to comply with its obligations to the ILO. After the elections of September 1996, the necessary changes were initiated in cooperation with the international community, to prepare the reform of the labour legislation. Her Government was fully involved in the revision of the legislation and did not have sufficient time to prepare the reports. The new labour legislation would reinforce the application of the ILO's standards in future. The speaker hoped that the Committee would be understanding of the situation in her country and gave an assurance that, in future, the necessary reports would be sent. She added that her Government was grateful to the ILO experts who participated in a seminar and thus helped the authorities in the preparation of reports.

A Government representative of the Netherlands stated that his Government attached great importance to complying with the membership obligations of the ILO. Concerning Aruba, it should be recalled that each part of the Netherlands was free to accept Conventions and their incumbent obligations. The Government could not interfere in these questions, except to respond to requests for assistance made by Aruba. The administration of Aruba solicited assistance from The Hague, but regretfully during the period when there was an excessive workload due to the carrying out of functions of the presidency of the European Union. The Hague was at present discussing with the Aruban authorities a programme of cooperation and assistance on a structural basis. This programme would involve regular contacts between the relevant government agencies, both in The Hague and Aruba. It would consist, inter alia, of traineeships in The Hague for newly-appointed Aruban staff. At this time, the authorities of The Hague and of Aruba had also made contact with the multidisciplinary team in the Caribbean region with a view to elaborating a technical cooperation programme ensuring full compliance with the obligation to provide reports. The speaker asked the Committee to excuse this regretful situation.

The Workers' members expressed their understanding with respect to the declaration of the Government representative of Bosnia and Herzegovina. In relation to the declaration of the Government representative of the Netherlands, they recalled that last year his intervention was made in very similar terms. The Workers' members expressed their hope that the situation would improve in the near future.

The Employers' members endorsed this statement of the Workers' members.

The Committee took note of the information and explanations provided by the two Government representatives who took the floor. It recalled the fundamental importance of supplying reports on ratified Conventions in the established time-limits. This obligation constituted the very foundation of the supervisory mechanism. The Committee expressed the firm hope that the Governments of Armenia, Bolivia, Bosnia and Herzegovina, Burundi, Liberia, the Netherlands: Aruba, Saint Lucia, Sierra Leone and Somalia, who at this date had not supplied reports on the application of ratified Conventions, would do so as soon as possible. The Committee decided to mention these cases in the appropriate section of its General Report.

A Government member of the United Republic of Tanzania suggested that the prevailing situation in Somalia be acknowledged: this rendered it impossible for the country to fulfil its constitutional obligations.

(b) Failure to supply first reports on the application of ratified Conventions

The Workers' members emphasized the particular importance of the first reports, as underlined in paragraph 110 of the General Report of the Committee of Experts, which constituted the initial base on which the Committee made its first evaluation of the application of the ratified Conventions. The ratification of Conventions was important and excellent, but the need to examine the application of the ratified Conventions was indispensable for their supervision. The first report, if it contained all the required information, permitted to avoid difficulties in the following years. Where States had difficulties in complying with this obligation, they could request technical assistance from the Office. The Workers' members hoped that such advisory services would permit progress to be made in this area.

The Employers' members fully supported the statement of the Workers' members. First reports were the beginning of the supervisory procedure. The member States should send their first reports, prepared in the most complete and detailed manner.

A Government representative of Seychelles mentioned difficulties encountered in the supply of the first report concerning the Nursing Personnel Convention, 1977 (No. 149), but ensured that this report would be sent in the near future.

The Workers' members regretted that of the nine States invited by the Committee only one Government representative had appeared. The Committee should take note of the information provided and mention these countries in the appropriate paragraphs of its General Report.

The Employers' members shared the concern expressed by the Workers' members and emphasized the importance of having a dialogue on the implementation of this constitutional obligation.

The Committee took note of the information and the explanations supplied by the Government representative who took the floor. It recalled the crucial importance of the first report on the application of ratified Conventions which was the point of departure for the regular supervisory system. The Committee decided to mention the case of Liberia (for Convention No. 133), Yemen (for Convention No. 159), Lithuania (for Conventions Nos. 111, 122, 135 and 151), Armenia (for Convention No. 111), Burundi (for Conventions Nos. 87, 100 and 111), Kyrgyzstan (for Conventions Nos. 133 and 160), Republic of Moldova (for Convention No. 105), Nigeria (for Convention No. 144), and Seychelles (for Convention No. 149) in the appropriate section of its General Report.

(c) Failure to supply information in reply to comments made by the Committee of Experts

The Workers' members recalled that without adequate information the Committee of Experts could not fulfil its task. This was a complementary obligation to the submission of reports. During the general discussion, it had already been pointed out that the reports which did not contain substantial information served no purpose. To contribute to the dialogue, governments had to provide complete and detailed replies to the questions asked by the Committee of Experts. The technical assistance of the Office was available to those who needed it.

The Employers' members supported the Workers' declaration. The report had no value if it did not contain a full reply. An incomplete report could be equated with a failure to report. Attention should be given to this area which touched on the proper functioning of the supervisory system.

A Government representative of Barbados mentioned difficulties linked to the lack of competent personnel to reply to the comments made by the Committee of Experts, as the only official who had received appropriate training had been assigned to other tasks. With the assistance of the multidisciplinary team in Port-of-Spain, he hoped to obtain the necessary training to ensure compliance with this obligation.

A Government representative of Denmark regretted not being able to provide information with respect to Greenland which was a non-metropolitan territory of Denmark. The elaboration of reports was the task of a very small administration. Recently it had promised to send a complete reply to the direct request of the Committee of Experts, and the situation hopefully would improve in the next year.

A Government representative of Djibouti recalled that his country had ratified 62 ILO Conventions at the time of obtaining independence, many of which did not correspond to the realities of the country. His Government was examining which Conventions should be maintained and which others were not adapted to the socio-economic context of Djibouti. His country had rejoined the ILO after many years of absence, and hoped to receive technical assistance in these questions from the ILO Area Office of Addis Ababa. The speaker promised that a substantial number of full reports would be supplied to the Office.

A Government representative of France stated that the replies from French Polynesia had reached Paris on 7 June 1997 and that after consultations with the social partners, they would be promptly transmitted to the ILO.

A Government representative of the Lao People's Democratic Republic stated that no particular difficulty was encountered in sending the report on the Forced Labour Convention, 1930 (No. 29) which corresponded with the government policy based on the Labour Law of 1994. Failure to provide reports this year was due to the situation in the Ministry of Labour, lack of competent personnel and difficulties in collecting information from the remote regions of the country. The speaker ensured that due attention would be given to this question and reports would be sent in time. He asked for the assistance from the Office to improve the situation in the Ministry of Labour with respect to this obligation.

A Government representative of the Libyan Arab Jamahiriya stated that the communication dated 25 January 1997 addressed to the Director-General of the ILO contained all the necessary information. Copies of this communication were transmitted by him to the Office on arrival in Geneva. This communication showed the will of his Government to maintain dialogue with the ILO and its supervisory bodies.

A Government representative of Myanmar stated that the problem was of a technical and administrative nature due to the lack of the adequate personnel. Technical assistance on standards would be welcomed particularly as the last seminar had taken place in 1983. He gave assurances that appropriate measures would be taken in future to avoid sending incomplete reports.

A Government representative of the Netherlands referred to his previous intervention concerning Aruba and ensured the Committee that the situation would be improved as soon as possible.

A Government representative of Rwanda referred to the difficulties in communications between his country and the ILO headquarters and gave the assurance that his Government was willing to improve the situation in the near future. To deal with the incomplete reports, technical assistance of the ILO would be sought.

A Government representative of Swaziland requested the Office to provide technical assistance to end the practice of incomplete reporting.

A Government representative of the United Republic of Tanzania indicated that during the preceding week it had been impossible to collect all the information requested by the Committee of Experts, as mentioned by the Minister during the general discussion of the Committee. The main difficulties were in obtaining information from the other competent bodies. The Office would receive the reports in the near future.

A Government representative of the Czech Republic stated that having collected the information requested by the Committee of Experts, new comments with new requests had arrived. It would be necessary to collect all the additional information so as to transmit full reports to the Office.

The Workers' members thanked the Government representatives for their participation and regretted that too many governments had refrained from doing so. It was necessary to recall the mandatory character of the obligation to provide information in reply to the comments of the Committee of Experts, and to urge governments to ensure strict compliance with this obligation.

The Employers' members noted that a long list of member States had been invited to participate in this discussion. The failure to comply with this obligation greatly disturbed the functioning of the supervisory system. The cases concerned should be mentioned in a special paragraph of the General Report of the Committee.

The Committee took note of the information in the explanations provided by the Government representatives having taken the floor. It stressed the great importance for the continuation of an open and constructive dialogue of the submission of clear and complete replies to the comments of the Committee of Experts. The Committee recalled that providing replies was part of the obligation to send reports. It therefore expressed its concern about the great number of cases in which information was not supplied in reply to the comments made by the Committee of Experts. The Committee recalled that governments could request ILO assistance to resolve any difficulties that they might encounter in this area. The Committee urged the Governments concerned — Barbados, Bolivia, Burundi, Czech Republic, Denmark: Greenland, Djibouti, Estonia, France: French Polynesia, Grenada, Guinea, Guinea-Bissau, Islamic Republic of Iran, Iraq, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Liberia, Libyan Arab Jamahiriya, Mozambique, Myanmar, the Netherlands: Aruba, Rwanda, Saint Lucia, Sierra Leone, Somalia, Swaziland, United Republic of Tanzania, Yemen, to make every effort to supply as quickly as possible the information requested. The Committee decided to mention these cases in the appropriate section of its General Report.

(d) Failure to supply reports on unratified Conventions and on Recommendations

The Employers' members recalled that this matter was a constitutional obligation and the discussion of the General Survey of the Committee of Experts this year had revealed problems caused by the insufficient number of reports. When the number of reports available for the preparation of a General Survey decreased, the ILO and the social partners lost the opportunity to have a general overview on the topics selected by the Governing Body. These General Surveys were fundamental for the future activities of the ILO.

The Workers' members associated themselves with the Employers' statement. Measures had been taken to facilitate the governments' workload in connection with the ILO's supervisory system and governments, on their part, should better comply with the existing obligations.

A Government representative of Djibouti referred to his previous intervention explaining the difficulties facing his Government in complying with this obligation.

A Government representative of Guatemala, the Minister of Labour and Social Welfare, acknowledged non-compliance with this obligation due to the numerous institutional and personnel changes in his country during the recent years. The situation could be improved with the technical assistance of the Office.

A Government representative of Jamaica referred to the absence of competent personnel to comply with this obligation. With the help of the multidisciplinary team of Port-of-Spain he hoped to obtain the necessary training for personnel and to receive the same satisfactory remarks from the Committee of Experts as had been made in respect of Jamaica in other cases. The reports due would be sent and after participation in the course of international labour standards organized by the ILO Turin Centre, the situation would change for the better.

A Government representative of Lesotho explained that the problem in complying with reporting obligations was of an administrative and technical nature. She stated that the fact that the ILO correspondence was sent to the Ministry of Foreign Affairs created difficulties for the Ministry of Employment and Labour in promptly replying to the questions raised in the reports. She made reference to the absence of competent personnel to carry out the reporting obligation and expressed the Ministry's anticipation that participation in the training course in international labour standards in the ILO Turin Centre would help improve the situation. After the visit of the Deputy Director-General for Technical Cooperation, a decision was taken to reinforce the office dealing with relations with the ILO. She added that, together with the assistance of the MDT in southern Africa, this would lead to the improvement of the situation in the future.

A Government representative of the Libyan Arab Jamahiriya recalled that his country should be deleted from the list, taking into account the communication to the Director-General referred to in his previous intervention.

A Government representative of Mauritania requested the technical assistance of the Office to improve the present situation.

A Government representative of Papua New Guinea regretted failure to comply with this obligation. Nevertheless, she ensured that the report requested for the General Survey of 1998 had been sent. The possibility of ratifying the Termination of Employment Convention, 1982 (No. 158), was being studied.

A Government representative of Paraguay referred to the ministerial changes which affected the functioning of institutions. In addition, the office in charge of the preparation of reports required strengthening. His Government was truly committed to complying with ILO standards. The speaker expressed his gratitude for the technical assistance provided by the ILO Regional Office as well as for the cooperation which was provided by the Ministry of Labour of Uruguay. He hoped to reverse the situation in the near future, so that the Government would be able to provide all the reports due.

A Government representative of Trinidad and Tobago stated that in 1996 a tripartite committee was created following the ratification of Convention No. 144 which was responsible for the presentation of the reports required. The report for the General Survey of 1998 had already been sent and the necessary measures would be taken to improve the situation as soon as possible.

The Employers' members took note of the brief comments made by the Government representatives, some of whom have requested the technical assistance of the ILO. This should be provided. There was no possibility of deleting a country from the list when there were no guarantees as to the content of the communications sent. Neither would it be appropriate to express satisfaction solely on the basis of the declarations made in this Committee. It was particularly necessary to improve the situation so as to strengthen the General Surveys of the Committee of Experts.

The Workers' members supported the declaration of the Employers' members.

The Committee noted the information and explanations supplied by the Government representatives who took the floor. The Committee emphasized the importance it attached to the constitutional obligations to send reports on unratified Conventions and on Recommendations, particularly in connection with the future work of the Committee, as these reports permitted a better evaluation of the situation within the context of the General Surveys of the Committee of Experts. The Committee expressed its hope that in future all member States would regularly fulfil their obligations in this respect and that the Governments of Afghanistan, Djibouti, Guatemala, Haiti, Jamaica, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Nepal, Nigeria, Papua New Guinea, Paraguay, Solomon Islands, Saint Lucia, Somalia, Trinidad and Tobago, Yemen, would fulfil their obligations under article 19 of the ILO Constitution. The Committee decided to mention these cases in the appropriate section of its General Report.

(e) Written information received up to the end of the meeting of the Committee on the Application of Standards[1]

Algeria. Since the meeting of the Committee of Experts, the Government has sent the first report concerning the application of Convention No. 144, as well as replies to all the Committee's comments.

Benin. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

Burkina Faso. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

Cameroon. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

Central African Republic. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

Comoros. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

Cyprus. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Equatorial Guinea. Since the meeting of the Committee of Experts, the Government has sent all reports due concerning the application of ratified Conventions, as well as replies to all the Committee's comments.

Estonia. Since the meeting of the Committee of Experts, the Government has sent a communication according to which detailed reports on the application of Conventions Nos. 22 and 23 are in the final stage of preparation and will be forwarded to the Office in the very near future.

Jamaica. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Lithuania. Since the meeting of the Committee of Experts, the Government has sent the first report concerning the application of Convention No. 11.

Luxembourg. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

Malawi. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

Morocco. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

Paraguay. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Philippines. Since the meeting of the Committee of Experts, the Government has sent the first report concerning the application of Convention No. 19.

Sao Tome and Principe. Since the meeting of the Committee of Experts, the Government has sent all reports due concerning the application of ratified Conventions, including first reports concerning Conventions Nos. 87, 98, 106, 144 and 159. It has also sent replies to most of the Committee's comments.

Senegal. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Seychelles. Since the meeting of the Committee of Experts, the Government has sent most of the reports due concerning the application of ratified Conventions, as well as replies to all of the Committee's comments.

Solomon Islands. Since the meeting of the Committee of Experts, the Government has sent most of the reports due concerning the application of ratified Conventions, as well as replies to most of the Committee's comments.

Sri Lanka. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Tunisia. Since the meeting of the Committee of Experts, the Government has sent replies to all of the Committee's comments.

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[1] The list of the reports received is to be found in part I, C of the Report.

Convention No. 17: Workmen's Compensation (Accidents), 1925

New Zealand. (ratification: 1938). A Government representative of New Zealand stressed that his Government had previously acknowledged to the ILO that there were difficulties in respecting fully the provisions of the Convention and that steps would be taken to achieve compliance. The Committee of Experts had been kept fully informed of progress towards compliance, including information on the amendments made to the Accident Rehabilitation and Compensation Insurance Act in 1996. The Committee of Experts noted the information provided, urged the Government to move towards full compliance and asked for a detailed report in 1998. He indicated his Government's willingness to fulfil this request and specified that his Government should be able to provide, at that stage, detailed information on the impact of the 1996 legislative changes, which had been in force for only three months, as well as on any relevant amendments which might occur in this regard.

The Employers' members noted the admission by the Government representative that the provisions in force in the country concerning compensation for industrial accidents and benefits to injured workers were not in compliance with the Convention. They noted in this respect that the relevant regulations requiring victims to bear a part of the cost of the necessary medical and other treatment, as well as the whole cost of certain aids or appliances where their total cost was under a certain limit over a specified period, infringed the Convention. The Government representative had referred to the recent adoption of certain amendments, which he had stated were expected to lead to an improvement in the level of the benefits provided. However, the Government representative had stated that it was too early to be able to evaluate the actual effect of these amendments in practice. The Committee of Experts had emphasized the need to ensure full compliance with Article 9 of the Convention and had requested the Government to provide a copy of the above amendments. The Conference Committee should therefore request the Government to submit information on relevant amendments and practice as soon as possible, so that the Committee of Experts could determine whether the country was still in violation of the Convention.

The Workers' members recalled that New Zealand had ratified the Workmen's Compensation (Accidents) Convention, 1925 (No. 17), in 1938, and had ratified the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42),s in 1938. Basically, workers should be entitled to full compensation in case of occupational accidents and diseases. Throughout the history of the ILO, this had been considered one of the most important areas of worker protection. The report of the Committee of Experts described the practice in New Zealand of forcing workers who were victims of occupational accidents to bear part of the cost of both medical treatment and the supply and renewal of aids and appliances. This was contrary to Articles 9 and 10 of the Convention, according to which the costs should be paid either by the employer or by insurance institutions, and not by the injured worker. The Government had indicated that there had been some changes, but had not given full assurance that victims did not have to pay part of the costs. The Committee of Experts had made these same observations since 1993. In the 1994 report, the Government stated that a decision to rectify the situation had been taken in principle and that legislation would be modified as soon as possible. In the 1995 report, the Government reported that work on these issues had been put on a fast-track. They now asked the Government to assure the Committee that workers did not have to bear these costs. In the current report, the Government stated that it expected the amended legislation would result in higher levels of medical and rehabilitation benefits. He requested clarification of this statement and asked if this would result in full compliance with the Convention. In the past, in New Zealand as well as in Sweden, cases of occupational accidents had been taken to court in order to get damage compensation. Later, a general insurance system for employment injuries was introduced which had been beneficial for both the workers and employers. But the current discussion centred around damage compensation, not some type of welfare benefits which were dependent on the generosity of the State. That was why compensation in cases of occupational accidents and diseases could not be compared with, for example, health insurance benefits. As could be seen in the report, New Zealand was not the only country violating ratified Conventions on this subject, for instance, the report also cited violations on the part of Sweden concerning Convention No. 121. Was the Committee to conclude that workers must once again resort to the court systems in order to be fully compensated? He agreed with the request of the Committee of Experts, which once again urged the Government of New Zealand to take immediate steps to ensure full compliance with this Convention and to report in detail on additional measures for its implementation.

The Workers' member of New Zealand emphasized that, in this case, the question of non-compliance was not contested since New Zealand acknowledged the breaches which were: (1) the failure to ensure that all treatment costs for work injuries were provided at no cost to the injured worker as required by Article 9 of the Convention. The Government had admitted that injured workers in New Zealand were required to meet a total of at least $23 million each year for their own primary hospital treatment of work injuries. In fact, every medical attendance, procedure and treatment required a significant contribution by workers; (2) the failure to ensure that artificial limbs and other aids and appliances were supplied, repaired and renewed at no cost to the injured worker as required by Article 10. In this respect, the Government had admitted that even seriously injured workers were required under its regulations to meet part of the costs of artificial limbs and other aids and appliances; and (3) the failure to ensure that there was no time limitation on the payment of weekly earnings compensation to the widows and dependants of workers killed in work accidents.

These were serious breaches which struck at the heart of the Convention. As noted, the New Zealand compensation scheme was a trade-off for the legal right to sue employers in courts. The social contract had been seriously breached by the constant erosion of entitlements under the New Zealand Accident Compensation Scheme without the benefit of court remedies. It was inexcusable for a country like New Zealand to leave injured workers to partially fund their own treatment and renewal of artificial limbs. Nevertheless, it was to the credit of the Government that it had acknowledged the breaches and undertaken to remedy them. The real question for this Committee was to assess the credibility of governmental undertakings that the breach would be remedied. Despite assurances given by the Government to the Committee of Experts in 1994 and 1995 to the effect that the situation would be rectified and the issue put "on a separate fast-track" before the Parliament, the situation remained unchanged for injured workers in New Zealand. He noted that the 1997 Committee of Experts report contained yet another statement which was clearly intended to be a reassurance of progress. More precisely, the Government advised that a legislative amendment passed in August 1996 would permit a more flexible approach, which it was hopeful would result in the higher level of medical costs and rehabilitation being provided depending upon the way in which broad discretions in the Act were implemented. He insisted that despite the legislative amendment referred to nothing had changed for injured workers in New Zealand and it was very questionable whether the 1996 legislative amendments could make much difference in practice. He considered that, having failed to deliver on its repeated commitments to ensure full compliance, the Government had put its credibility at stake. He informed the Conference Committee that the latest public announcements indicated that further legislative change was possible in the near future which would require injured people to pay the first several hundred dollars of treatment costs. Such a move could transfer several hundred million more dollars of treatment costs from the compensation authority to the injured person and compound the current breaches of the Convention. He therefore asked the Government representative to clearly answer the following question: Would the 1996 legislative amendment ensure full compliance with the Convention? If the answer was yes, by what date would full compliance be achieved? and, if the answer was no, what specific legislative or other steps did the Government intend to take and by what date would this be achieved?

He informed the Committee that, as a result of a tripartite consultation, including the New Zealand Minister of Labour, held in Geneva with the technical assistance of the ILO, it seemed likely that full compliance with the Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42), could be realized by a ministerial policy directive to the compensation corporation which would be tabled in Parliament. He asked the Government representative if New Zealand was prepared to consider such a mechanism for the Convention since a ministerial policy directive to the compensation corporation could enable a real "fast-track" to comply with its provisions.

He called for the Committee to request the Government in strong terms to bring its law and practice into full conformity with the Convention and to provide a detailed report to the Committee of Experts so that it could achieve its examination of the case at its session to be held at the end of the year.

The Workers' member of Singapore stated that the breach of Articles 9 and 10 of the Convention was not in dispute. The only dispute was the extent to which the Government had taken steps to remedy these breaches. Since 1994, the Government had promised to comply with the Convention, and purported to have done so with the Amendment of 1996 to the Accident Rehabilitation and Compensation Insurance Act of 1992 which promised a "more flexible approach" to reimbursing workers for their medical costs and social rehabilitation. Therefore, the issue was whether this "more flexible approach" fulfilled the objectives of Articles 9 and 10 of the Convention: that the costs of medical treatment and artificial limbs and other aids and appliances for victims of industrial accidents be borne by either the employer or an insurance institution. In fact, even after the 1996 Amendment, injured workers continued to be required to pay for a substantial portion of the cost of medical treatment and surgical appliances, indicating that the measures taken were only half-hearted. Although it was true that injuries were sometimes caused by worker negligence, most often they were caused by inadequate safety measures in the workplace. It was not valid for the Government to argue that more time was needed to evaluate the results of the new Amendment which had been in effect for only three months since the Government had been promising for three years to solve the problem. Workers and their families had a fundamental right to be protected from the hardships caused by work injuries and should not be required to pay contributions out of their savings. Therefore, the Government should either further amend the laws to specifically provide for adequate compensation, issue specific administrative guidelines on how the "flexible approach" should be carried out in practice, or, at a minimum, restore the right of workers to recover full costs in court.

The Workers' member of the United States supported the statements made by the Workers' members and by the representative of the New Zealand Council of Trade Unions. The Committee had been informed that the workers' compensation scheme was a trade-off for the legal right to take employers to court. This agreement provided for full coverage of all treatment of work injuries at no cost to the injured worker, but this was no longer the case. Injured workers were now required to meet a substantial portion of the treatment costs of their work injuries, both for primary and hospital treatment. The Committee of Experts had noted for a number of years that this was in clear violation of Article 9 of the Convention. The current situation was created by governmental legislative action and threatened the foundation of New Zealand's workers' compensation scheme. It was not surprising to hear, therefore, that in New Zealand, the issue of the right to take employers to court was beginning to re-emerge in public discussions. He understood that there were situations where injured workers had the right to take employers to court on claims of negligence, intentionally reckless disregard of occupational safety and health, and on other bases, and that there had been cases where substantial payments by employers had been awarded by the courts. Not withstanding the 1996 amendment, the course of action followed by the New Zealand Government since 1992 would not seem to be a wise one and might be potentially costly for employers. Indeed, it appeared that the Government agreed, since it assured the Committee that it was taking steps to bring the Accident Rehabilitation and Compensation Insurance Act into compliance with Convention No. 17. The New Zealand Government had been giving this assurance to the Committee since 1993. It was, with all due respect, time for the New Zealand Government to make good on its commitments.

The Workers' member of Greece shared the views expressed by the Workers' members and by the Workers' member of New Zealand. However, he was surprised that this country applied such a social policy since it would be totally unacceptable even for less-developed countries. The limitation on the provision of medical, surgical and pharmaceutical aid recognized to be necessary, was in breach of Article 9 of the Convention. He recalled that the Convention was at the very heart of labour law and social security and that the costs of such aid should be defrayed either by the employer or by insurance institutions. In the case of insolvency, the State should take the necessary measures to ensure that medical assistance would be defrayed as provided for in the Convention.

The Workers' member of Pakistan emphasized that a worker injured in a work accident suffered not only physically but also mentally, and that other workers were also affected. It was the responsibility of the employers and the State to assist in minimizing these adverse effects, and in the interest of both the community and industry, social security should cover all costs incurred. Therefore, he supported the statements of the other Workers' members. He was happy to note the New Zealand agreement reached concerning the implementation of Convention No. 42 on occupational diseases, and welcomed a similar administrative solution to the problem of compliance under Convention No. 17. In closing, he urged the Government to comply fully with the requirements of Articles 9 and 10 of the Convention.

The Government representative indicated that his Government supported the principles underlying the Convention which was that injured workers should not have to meet the necessary costs of work injuries. In working towards compliance with that principle, a key question was how to ensure that only necessary costs were met by the employer or the accident compensation scheme. It was essential that only reasonable costs became a charge upon the scheme or the employer, and that there were no incentives for either service providers or claimants, to set prices or choose services at unrealistic levels. The key was to achieve an appropriate balance that met the genuine needs of the Convention — and workers — while not adversely affecting the sustainability of the scheme. As indicated to the Committee of Experts, changes had already been made to the accident compensation scheme in 1996 which would move his country towards compliance with the Convention. These changes involved freeing the corporation from regulatory constraints which limited or controlled the level of reimbursement of costs and giving it greater discretion to meet actual needs where those were reasonable. He recalled that those changes had been in force for only three months. It was therefore difficult to assess their impact on the extent of his country's compliance with the Convention and monitoring was ongoing. In addition, he stressed that the new Government was currently addressing a number of issues related to the accident compensation scheme. Options were being developed by officials which would potentially have an impact on the question of compliance with the Convention. With regard to the specific questions raised by the Workers' member of New Zealand, he considered that more time was needed to assess the real impact of changes promulgated. Their operation needed to be monitored over a reasonable period of time but he believed that his Government would be able to report fully to the Committee of Experts in 1998.

Concerning the time needed to put into force new legislation if necessary, he reiterated that the new Government was actually addressing a broad range of issues to do with the accident compensation scheme, and that, in doing so, consideration would also be given to its impact on the Convention. Finally, with regard to any technical issues which could arise in the future in connection with the Convention, he stressed that his Government would enter into dialogue with the ILO to explore administrative arrangements to overcome these technical problems.

The Workers' members stated that they had not heard the Government commit itself to complying fully with the Convention by eliminating all costs to the injured worker. They welcomed the Government's intention to monitor the new legislation, but wondered whether the Government was convinced of the need to change the present system, and they had doubts about the Government's resolve. Lastly, they thought that a report should be submitted earlier than the date requested by the Committee of Experts.

The Committee noted the information supplied by the Government representative and the debate which followed. The Committee observed that victims of work accidents were required to pay part of the cost of medical assistance and other necessary treatment and that limits existed on the reimbursement of costs for prosthesis and orthopaedic appliances. The Committee asked the Government to adopt without delay the necessary measures to secure full application of Articles 9 and 10 of the Convention, and took note that the Government representative expressed the readiness of his Government to receive technical assistance from the Office. The Committee invited the Government to send a detailed report to the Office and hoped that it would be possible to note concrete progress in the near future.

Convention No. 29: Forced Labour, 1930

Brazil (ratification: 1957). A Government representative acknowledged that it was not the first time that the application of the Convention by Brazil had been before the Committee. The Government remained attentive to the observations of the Committee of Experts and reiterated that it was taking measures to combat and eradicate forced labour in the country.

The Brazilian legislation directly opposed the exploitation of forced labour. The federal law covered crimes against labour and the penal law covered crimes against individual freedom, such as reducing someone to conditions analogous to slavery which was punished with a minimum penalty of one to eight years imprisonment.

The Government, aware that legislation was not enough to eradicate forced labour, had put in place various mechanisms which had the principle objective of abolishing forced labour, especially in rural areas and regions which were difficult to access.

The Government's concern was not restricted to the ambit of the Minister of Labour, but also extended to all levels of the Federal Administration. The effort of the Government was exemplified in the creation of the Executive Group for the Abolition of Forced

Labour (GERTRAF), instituted by the President of the Republic through Decree No. 1,538 of June 1995. The GERTRAF was comprised of representatives of the Ministers of: Labour; Environment; Hydraulic Resources and the Amazon Authority; Agriculture and Supply; Land Policy; Prevention and Social Assistance; Justice; and Industry, Trade and Tourism. The GERTRAF had elaborated, put into place and supervised integrated programmes to eliminate forced labour and to promote the necessary labour legislation for the widest implementation. In this area, with the object of completing the relevant legislation, it coordinated the actions of the competent bodies to eliminate forced labour and developed adequate measures with the assistance of the ILO and the Public Ministers of the Union and of the States.

Concerning the coordination with other bodies and entities, in addition to the GERTRAF, the Minister of Labour was now involved in various fields: firstly, in the context of the compromise agreement signed at the end of 1994 by the Attorney General, the Public Minister of Labour, and the Federal Police, government actions taken or which were to be put in effect were discussed, planned, and evaluated together, with the objective of preventing and punishing the practice of forced labour. At the same time, monthly meetings of the National Forum Against Rural Violence were held, which brought together governmental and non-governmental bodies such as the Pastoral Commission on Land and the National Confederation of Agricultural Workers (CONTAG). During these meetings complaints were brought, funding strategies discussed, and other complementary actions were taken.

To reinforce the system of inspection and guarantee the systematic investigation of complaints of forced labour, the Special Mobile Inspection Service has increased its agility. Since March 1996, it has decentralized its operations with the creation of Regional Centres. The Regional Centres of the Special Mobile Inspection Service were linked to a National Centre in Brasilia, under the responsibility of the National Secretary of Labour Inspection, who also coordinated GERTRAF. The Special Mobile Inspection Service consisted of a trained team of labour inspection agents with autonomy to carry out inspections at any location on national territory, independent of jurisdiction.

Of the 83 enterprises inspected in 1995, a total of 26,242 workers were affected; and in 1996, with the intensification of inspection, 239 enterprises were inspected, affecting 82,395 workers. The economic activities which were the subject of complaints and inspections were typically rural, and consisted largely of adult male labourers.

All of the reports of the Inspectors involving complaints of forced labour were directed by the Ministry of Labour to the Attorney General in order to prepare the procedures which occur in the Federal Prosecution of Civil Rights. As soon as the Public Ministry of Labour informed the Ministry of Labour on the development of the processes, this information would be transmitted to the Committee of Experts.

An important instrument in combating the practice of exploitation of forced labour was the application of Ordinance No. 101, of January 1995, of the Minister of Labour, which determined that, in virtue of the social function of ownership, in cases of employers who the Special Mobile Inspection Service verified were repeat offenders in degrading workers, a detailed report should be sent to the National Institute of Settlements and Agrarian Reform (INCRA) for a recommendation dealing with the confiscation of land for agrarian reform.

This past March, coordination was established between the Ministers of Labour, of Environment, and of Hydraulic Resources and the Amazon Authority, and the Public Minister of Labour, with a view to a rapid application of this instrument.

In order to secure the fulfilment of the objectives of the National Program on Human Rights, the National Secretary of Human Rights, linked to the Ministry of Justice, was created on 7 April 1997, which will coordinate, administer, and complete the execution of this programme. The principal objective was to give coherence to the sectoral policies of the various governmental areas concerning human and civil rights in a form consistent with civil society. Another objective was to promote the interchange and cooperation of international bodies concerning human rights; and to coordinate the Council for the Defence of Persons and the National Council for the Rights of Women, and with the group to support the National Program on Human Rights. The National Secretary of Human Rights would also promote and stimulate public awareness campaigns to create a culture of human and civil rights.

Furthermore, a Subgroup on Normalization was created, which proposed in July 1996 the establishment of measures to facilitate adoption of Draft Law No. 929/95, which defined as a crime all action leading to or involving the exploitation of forced or degrading labour. This draft law had been widely discussed by all segments of society and currently was before the Committee on Constitution and Justice in the Chamber of Deputies. This Bill contained the necessary means to apply more severe penalties and opened the possibility for the Government to verify that those who benefited directly or indirectly would be punished, in accordance with Article 25 of the Convention.

The speaker stated that a recent meeting of the National Secretary of Human Rights was held, comprised of representatives of governmental and non-governmental bodies, which discussed the proposals formulated by the National Forum Against Rural Violence. The Federal Government, through the National Secretary of Human Rights, had begun to take the necessary steps to facilitate the presentation of the above-mentioned Bill before the National Congress. His Government would, as usual, keep the ILO informed of the presentation of the Bill, as well as of any new measures adopted to give full effect to the principles of the Convention. In conclusion, he pointed out that his Government accorded great importance to the fulfilment of ratified Conventions and emphasized fundamental labour standards; and it was especially dedicated to observing their application in practice.

The Workers' members thanked the Government representative for the information provided. Last year, this Committee noted that there had been a change in the Governments' attitude to the violations of Conventions Nos. 29 and 105 since 1986. As a result of a representation submitted pursuant to Article 24 of the Constitution by the Latin American Central of Workers (CLAT), the tripartite committee set up by the Governing Body had examined the situation and submitted its conclusions. The case was also considered in detail by the present Committee in 1992, 1993, and 1996. During the last discussion, it was noted that the Government participated actively in the examination of the problems in question by submitting a report which demonstrated progress in several areas. The present Committee had insisted, however, in its conclusions that these efforts be pursued and expanded, both as regards the amendment of existing and the adoption of new legislation and the application of effective sanctions on the whole territory of Brazil. With pleasure and interest the Committee could note certain positive developments also this year in the directions urged by the Committee of Experts. It should, however, be emphasized that the efforts undertaken be commensurate with the scope and complexity of the problem of forced labour in all its manifestations, in a country which suffers from significant problems of exploitation and inequality. The serious problem of child labour should also be recalled in this context.

The information provided by the Government indicated that further progress had been made. However, there were shortcomings, as the Committee of Experts had stressed, in the application of Article 25 of the Convention. These existed notably in relation to the subcontracting and use of intermediaries which continued to favour the impunity of those who profited most from forced labour. It should be noted with interest that the ministers, the parliamentary Committees, as well as the national congress were preparing draft legislation with the assistance of GERTRAF. The civil society, notably through the trade unions and the churches, was involved in the preparation of projects which should allow for a more efficient repression of forced labour by imposing sanctions, including prison sentences, on those who use forced labour. In the same vein, the efforts in the areas of inspection and control were welcomed. The relevance of these measures were evidenced by the support it benefited from in the civil society. It was, however, of importance that the Government ensured that in the fight against slavery the essential service of inspection could be carried out with sufficient guarantee for the safety of its agents. It remained to point out that the deplorable and excessive slowness of the judicial procedures risked nullifying, in practice, the strengthening of the legislation.

In conclusion, while considerable progress has been noted in several areas, the practical implementation of the envisaged measures remain uncertain. That was why it was important to adopt urgently the draft legislation which provided for a more efficient repression of forced labour. The good intentions of the Government were welcomed, but they should not obscure the fact that the legal proceedings still proceeded with unacceptable slowness and that the profiteers from exploitation of forced labour continued to remain at large.

The Employers' members addressed the different points enumerated by the Committee of Experts in its observation. Last year there had been a detailed examination of this case further to a representation made by the Latin American Central of Workers (CLAT). This representation had been justified because it referred to situations of forced labour in all of its different forms such as debt bondage, physical ill treatment, torture, harassment and sometimes death of thousands of workers. Nonetheless the Government had started taking measures. An example was the establishment of the Executive Group for the Abolition of Forced Labour (GERTRAF) for the purpose of proposing severe sanctions for anyone exacting forced labour. It was not easy to establish who was responsible for the use of forced labour since often those responsible were not the users but the intermediaries.

Regarding the difficulty of imposing penalties due to the fact that the concept of slave labour contained in Section 149 of the Penal Code had not been clearly defined by legislation, the Employers' members stated that this ambiguity should be removed by the Government. As for the Bill being examined by the GERTRAF with a view to defining a whole series of definitions of forced labour, the text of the Bill must be verified to determine whether further specifications needed to be mentioned. Moreover, specific sanctions needed to be applied for specific types of child labour.

Although the activities of the Special Mobile Inspection Service had resulted in greater effectiveness of the inspection system and of the judicial proceedings initiated on the basis of the inspection reports, the Committee needed to know more about the number of prosecutions that had actually taken place. As for the slowness of judicial proceedings, this was often the consequence of the legal guarantees which were inherent in a State which was based on the rule of law, but maximum efforts should be undertaken to resolve this problem. The Government had undoubtedly taken a number of important and correct measures. It was important to coordinate these measures especially in a federal State like Brazil. At the end of the previous year's discussion in this Committee, the Employers' Employers' members had asked the Government to continue intensive efforts to put an end to forced labour. A year later they expressed this hope more urgently and trusted that there would soon be progress and major changes.

The Workers' member of Brazil highlighted the precision with which the Committee of Experts had treated the main questions of the present case. The observations went to the heart of the matter. Many initiatives had been taken to combat the problem of forced labour. The creation of GERTRAF and the coordination of the regional labour inspectorates, in particular the Special Mobile Inspection Service, were steps in the right direction. It had to be observed that the action of the unions, as well as the routine work of the inspection service and complaints, together with the other institutions of civil society, had led to a draft law on the abolition of forced labour.

Nonetheless, the speaker regretted that doubts existed about the definition of forced labour in Brazil and, therefore, the judiciary was afraid to consider forced labour as slavery. Should working for food be considered slavery? Certain social sectors did not recognize that the right to life was linked to the right to work.

The effective abolition of forced labour encountered significant obstacles in Brazilian institutions notably as concerned the powers exercised by the Judiciary and the Government's own administration. This situation permitted forced labour to be used by small enterprises, which acted as the intermediary for producers, thus benefiting in this perverse way many economic groups, including multinational corporations, which should also be subject to penal sanctions.

Immediate changes in the legislation were necessary to bring all violators to justice in a rapid and efficient manner. This was the spirit of Article 25 of Convention No. 29. It was not enough to simply create working groups or to adopt administrative measures. These measures, by their nature, would not affect all of those which were involved. The political will must also exist to leave the imaginary world for the real one.

The speaker asked about the political will to push through the draft legislation. The current Government had a majority which permitted it to complete within four months a constitutional reform to allow the reelection of the President of the Republic, as well as governors and mayors. If the will of the Government existed to eliminate forced labour in the country, it could solicit urgent treatment for the draft laws which provided for sanctions for those that directly or indirectly used forced labour. The Government of Brazil had made clear in the meeting of the WTO in Singapore that the ILO was the appropriate body in which to discuss social issues concerning the world of work. Consequently, the Government should accept the labelling of Brazilian products, certifying that they were made in accordance with international labour standards. This, no doubt, would give great political authority to proposed immediate action by Congress.

The Workers' member of Argentina stated that this case was important for all workers of his country given that they participated with workers' organizations of Brazil in the Network of Central Trade Unions of the Southern Cone and in the working committees and subgroups of MERCOSUR, in particular concerning labour relations, employment and social security. They shared the concern of the Brazilian workers that there be compliance with ILO standards, in particular those regarding fundamental human rights.

The speaker recalled that the case had been discussed by the Committee in 1993 and 1996: forced labour was the most brutal exploitation of humans and should be abolished definitively. There should be no indulgence shown towards those who used forced labour nor tolerance for the governments which allowed it. The Committee of Experts had drawn attention to the lengthy legal procedures and the lack of penal sanctions. The indications given by the Government raised serious doubts: it was not sufficient to create conditions or to present draft legislation; what was missing was the elimination of unacceptable employment recruitment practices by which workers were subjected to inhumane conditions for the benefit and greed of some.

The speaker urged the Government of Brazil to improve the mechanisms for supervision, to guarantee the enforcement of judicial decisions, and to demonstrate a real interest in eradicating the practice of forced labour. The Government should transmit to the Office concrete evidence of the abolition of forced labour, in particular for the most vulnerable workers, such as agricultural workers and indigenous peoples.

The Workers' member of the United Kingdom pointed out that this case was a very difficult one. Although there was a lot of talk about what was going on, she was not clear as to what output or impact there had actually been. The speaker recalled that the 1996 observation of the Committee of Experts detailed cases of appalling abuse in which workers in various sectors of the rural economy were recruited on the basis of false promises, transported from their place of residence to isolated workplaces where they were forced to work long hours in sub-human conditions. These workers were in a situation of complete dependence, in conditions of debt bondage and forcibly prevented from leaving their employment relationship. Attempts to leave risked a violent response of ill treatment, torture, harassment and sometimes death.

In addition, there appeared to be an impasse on the legislative front. The first Bill referred to in paragraph 3 of the observation of the Committee of Experts seemed to be so wide-ranging that it risked obscuring Brazil's main priority which was to deal with slave labour, labour analogous to slavery and forced labour. The Bill covered a wide range of abusive employment relationships, some of which had only a tenuous relationship with forced labour and appeared to stretch the definition beyond what could be considered degrading, let alone forced labour, for example, gambling. Moreover, while the Bill provided for financial penalties, the Convention required that penalties should be adequate and strictly enforced. Thus, the Convention required more than the removal of credit facilities. Such penalties were not an appropriate response to what was a crime against humanity. Penalties needed to be punitive. The second Bill before Congress related to the impunity of enterprises that used a subcontracting system. Its provisions were listed in the observation of the Committee of Experts. They seemed to take the issue forward. But it was not clear what had happened to these proposed Bills. Where were they now? The speaker was of the view, however, that what was required was a unified, focused piece of legislation which laid down national standards to be enforced energetically through adequately resourced local agencies.

On the question of inspection, the Government had provided information on 83 enterprises in 1995. The speaker wondered what rate of coverage this represented and how long it would take for all enterprises to be inspected. Moreover, since the Government had stated that the Special Mobile Inspection Service had resulted in greater effectiveness of the inspection system, it should indicate how it had evaluated the effectiveness of these measures.

The Committee of Experts had also noted the excessive slowness of the judicial proceedings and that numerous trials initiated in 1991, 1993 and 1994 were still in progress. The Committee of Experts had considered that this amounted to a denial of justice. The speaker wondered what the Government had done to speed up the proceedings. Finally, she wanted the Government to provide further information on how many workers had been freed from forced labour since the start of the Government's programme and what support had been provided by the Government to those workers. Moreover, she wished to know what public awareness campaign had been launched at the State and national levels.

The Workers' member of Colombia indicated that the observations submitted by workers' organizations and the comments of the Committee of Experts were evidence that a violation of the Convention persisted. The Government should work more effectively to end this practice which constituted a serious offence against human dignity. The neo-liberal model imposed on workers not only the scourge of unemployment, but left them also in conditions of servitude. It was curious how tribunals functioned in these cases, to the detriment of an effective defense of the rights of workers. The information provided by the Government indicated that results had not been heartening. New laws were not necessary, only their fulfilment, along with a commitment from the Government to take measures to ensure that the situation of forced labour was eliminated in the country. Labour inspection should be reinforced and sanctions put in place to punish those criminals who profited from forced labour.

The Workers' member of Greece noted that upon a reading of the report of the Committee of Experts, Brazil did not stand out as the main culprit when it came to forced labour and slavery in all its forms. It was a source of pleasure to note the efforts the Government had agreed to undertake in order to halt these practices. But in order to evaluate the real impact of these efforts the Government representative should state in detail how many enterprises or individuals were condemned for such practices and the sanctions imposed.

The Workers' member of the United States stated that what was at the heart of this debate was simply equal justice and equal protection under the law. He recognized that efforts appeared to have been made by some Brazilian legislators to come to grips with the forced or compulsory labour problem, including the drafting of a Bill which was being examined by the GERTRAF (Executive Group for the Abolition of Forced Labour), a governmental agency instituted by President Fernando Henrique Cardoso. As the observation of the Committee of Experts made clear, this proposed Bill attempted to define a larger classification called degrading labour, including what would be identified as forced, compulsory and slave labour, with some efforts at providing for administrative sanctions. Moreover, the observation pointed out that the Government had reported that its Ministerial Decree MTb 369 of 29 March 1996 had conferred greater flexibility and efficiency to the inspection service on its efforts to identify slave labour, even though a mere 83 enterprises had been inspected in 1995 and 239 in 1996.

Nevertheless, his group was still awaiting a number of concrete results after one year, results which were not at all clear after hearing the Government's representation. In its report of last year, the Government had attempted to justify the difficulty of effective compliance with Article 25 of the Convention by saying that Brazilian legislation had not yet succeeded in defining the concept of slave labour under section 149 of the Brazilian Penal Code. Yet, Bill No. 929 of 1995, which was supported by many private and governmental organizations, including the National Confederation of Agricultural Workers (CONTAG), the Pastoral Commission on Land (CPT) and the Secretariat of the Ministry of Labour Inspectorate, just to name a few, provided for measures for the establishment of enforcement mechanisms and penal sanctions in order to ensure compliance with Article 25 of the Convention. To date, unfortunately, no real progress was known in respect of such a legislative initiative. Moreover, the Committee of Experts had noted in its observation that there were a number of cases concerning forced labour still pending in the Brazilian judicial system, including trials initiated in 1994, 1993 and 1991.

The speaker also pointed out that the decentralization of the inspection service, which the Government claimed had produced more flexibility and efficiency in the struggle against slave labour, certainly had not increased the security of inspection personnel responsible for the inspection function. To the contrary, many more of them had received threats to their physical integrity, as the Committee of Experts had observed. The Government representative had not mentioned any rectification of this very grave problem.

The speaker referred to the change in the legislation pushed through by the Government in the public sector to introduce temporary contracts, flexible work patterns, and deregulatory measures. He indicated several cases of repression against agricultural workers, the arrest of leaders of "The Landless Peoples' Movement", massacres of workers, such as at Eldorado de Carajas, sanctions against trade union members for participating in economic strikes, for example, the strike against the National Petroleum Federation two years ago. He insisted that the Brazilian Government punish those who violate the Convention by subjecting workers to forced labour, and that it show the same commitment as when it imposed sanctions to protect land, capital and private property. He considered that, in spite of certain measures taken, these were unfortunately insufficient.

The Workers' member of Pakistan pointed out that unfortunately the situation of forced labour prevailed in many parts of the world. This situation was an affront to human dignity. Since Brazil was a major country of Latin America, it had a special responsibility to deal with this problem. However, those responsible were not being punished as was indicated in the observation of the Committee of Experts. This was obvious from the fact that numerous trials initiated in 1994, 1993 and 1991 were still pending on this matter. The Government representative should have pointed out how many of those responsible for the exaction of forced labour had been taken to the courts. It was important that the legislation be enforced and that the Bills mentioned by the Committee of Experts be adopted. However, the most important factor was that the socio-economic problems leading to a situation of forced labour be removed by the Government.

The Government representative stated that he had listened attentively to the recommendations formulated by the Workers' and Employers' Vice-Chairpersons, declarations which had encouraged the Government to continue taking measures to combat forced labour. It was necessary to point out difficulties and a frank dialogue should be maintained between the social partners. The Government believed that the creation of the GERTRAF was the most productive way to combat forced labour within the context of a policy of human rights. Also, the speaker noted the comments of the Workers' members, and the information requested would be included in the Government's next report. It was important to emphasize that the number of enterprises inspected, mentioned in the Government's opening statement, were undertaken by the Special Mobile Inspection Service in its efforts to combat forced labour. The other labour inspection services also intervened in this area.

The Committee took note of the detailed explanations presented by the Government representative and the discussion which followed. The Committee also noted the information presented by the Committee of Experts which demonstrated that the Government was not indifferent to the gravity of the situation. The Committee noted the inspections made and considered that these inspections should be increased, continued, and intensified. The Committee expressed its disquiet that a large number of measures had yet to be adopted, specifically those which referred to the definition of slavery or forced or degrading labour, as well as the administrative sanctions envisioned, none of which had been applied. It hoped that information would shortly be provided on this question, in particular in respect of agricultural workers. The Committee expressed its concern over the slowness of proceedings to sanction cases of forced labour as well as the frequent evasion of responsibility by those who benefited from forced labour, which could constitute, in practice, a denial of justice. Finally, the Committee urged the Government to intensify its efforts to give full effect to the provisions of the Convention to eliminate definitively all forms of forced labour. The Committee hoped that in the near future the Government would be able to show substantial efforts toward realizing the full application of this fundamental Convention.

Pakistan (ratification: 1957). The Government representative of Pakistan indicated that her Government appreciated the valuable guidance and advice provided by this Committee for the promotion and protection of labour rights. She wished to highlight the following points in the context of the implementation of Convention No. 29. Over the past year enforcement of national laws on bonded and child labour had become more effective. The Child Labour Survey had been completed in Pakistan with the technical assistance provided by the ILO-IPEC Programme giving clear numbers of child workers and their areas of activity to allow for concerted and planned action for the elimination of child labour. The number of inspections under the Bonded Labour System (Abolition) Act 1992 and the Employment of Children Act 1991 had increased manifold. From January 1995 to January 1997, 35,000 inspections were conducted under the laws governing child labour. More than 9,000 inspections were held under the Employment of Children Act 1991. There were 6,183 prosecutions and 1,349 convictions. Under other child labour laws, 24,695 inspections were also carried out, resulting in 8,274 prosecutions and 3,556 convictions. Three hundred and forty-nine raids were conducted in Sindh and Punjab in the context of bonded labour. According to the figures provided by the Human Rights Commission of Pakistan, an NGO, 1,000 bonded labourers were freed over the past year. Significant new developments had taken place demonstrating the Government's will to enforce the law and to deal with the issues of child and bonded labour. These included clear and unambiguous administrative instructions, and concrete programmes in the public and private sectors, with the involvement of all social partners. Steps were being taken to address areas of weakness such as inadequate funds for rehabilitation. Finally, there was growing public awareness and sensitivity to the importance of eradicating these problems.

The Government had ratified five of the seven ILO core Conventions. It had already expressed its intention to be actively involved in the work of the new Convention on the elimination of the most intolerable forms of child labour to be drafted next year. Needless to say, Pakistan was a developing country with myriad problems, some rooted in poverty and some in the socio-cultural milieu of society. In addition, it faced an extremely difficult economic situation due to multiple factors, including a crippling debt burden, the continued presence of 1.5 million Afghan refugees for more than a decade providing a large supply of workers, and a difficult geo-strategic situation. Thirty-six per cent of the population lived below the poverty line. Despite such deep-rooted impediments, efforts had been made to implement obligations voluntarily undertaken by ratifying ILO Conventions. The Government had always taken the comments of the Committee of Experts and of the Conference Committee very seriously. It wished to continue to cooperate with these two bodies; to note constructive criticism made by them; to provide, as far as possible, clarifications; to acknowledge deficiencies and use the comments of the Committees to improve the implementation of existing laws.

The speaker went on to explain that the Government of Prime Minister Nawaz Sharif was installed in February 1997. The new Government's commitment to the eradication of bonded labour was evident from the specific reference to it in the 1997 election manifesto of the Pakistan Muslim League, the party to which the Prime Minister of Pakistan belongs. This was also made clear by the Prime Minister to the Governing Body's Worker Vice-Chairman, during his recent visit to Pakistan. The Federal Government had set up an Advisory Committee on Child and Bonded Labour. The Committee included representatives of the Ministries of Labour, Foreign Affairs, Commerce and the private sector to follow up on action taken and provide advice on comprehensive action plans for the elimination of child and bonded labour in Pakistan.

In regard to the specific observation made by the Committee of Experts, it appeared to draw heavily on information provided in the Anti-Slavery International Report. This Report however dated back to 1995. Since then several positive developments had taken place. She wished to inform the Committee that the Government had been involved in a constructive dialogue with Anti-Slavery International in the context of the Working Group on Contemporary Forms of Slavery. The Government had endeavoured to provide as much information as possible to it regarding the concerns it raised bilaterally as well as through the Working Group.

The Committee of Experts had referred to a figure of 20 million bonded labourers of whom 7 million were child labourers. These were totally unsubstantiated figures — a view shared by the All Pakistan Federation of Trade Unions. The issue of the magnitude of child and bonded labour in Pakistan arose some years back when an NGO with a specific agenda came up with the 20 million figure. Without confirming its authenticity, the figure was quoted by some highly respected international NGOs and unfortunately even the ILO. To assess the true extent of the problem of child labour the Government entered into an arrangement with the ILO under the IPEC Programme to carry out a survey of child labour in Pakistan. The results of the survey, which was conducted on a sound scientific and statistical basis, had been published. According to that survey, there were between 2.7 and 3.3 million economically active children in Pakistan. In addition, if the figure of 20 million persons in bondage in Pakistan were taken to be true, it meant that about 60 per cent of the 33.87 million workforce in Pakistan worked in bondage. This was totally impossible. Nevertheless, the speaker also referred to a list of 3,000 bonded labourers in the Sindh province that the Human Rights Commission of Pakistan (HRCP) claimed to have prepared. Such a list logically implied that the number of bonded labourers in Pakistan was not likely to be more than a few thousand. The HRCP was an independent NGO, and had been extremely forthright in pointing out and taking action against any deficiencies that it found in the promotion and protection of human rights in Pakistan. It was also very active in trying to identify and release bonded labourers. The HRCP may not have accounted for all bonded labourers in Sindh. It was also entirely possible that the practice might still be extant in some pockets of the Punjab province. But the figure could not be as high as 20 million. She agreed, however, that in the final analysis numbers were not important. This abhorrent practice could not and should not be tolerated, even if it affected only one individual. On the basis of information provided by the HRCP, raids had been conducted by the District Administration in Sindh in the past year. Representatives of the HRCP were accompanied by a senior official of the Ministry of Human Rights during these raids. About 1,000 bonded labourers were released over the period of the last year in Pakistan.

Anti-Slavery International had made a number of observations on the statutory instruments and machinery for the elimination of bonded labour. In this regard, she pointed out the following. In order to facilitate the enforcement of the Employment of Children Act 1991 and the Bonded Labour (Abolition) Act 1992 by the provincial Governments, rules were formulated and notified in 1995 with the technical assistance provided by ILO-IPEC. The Government of North-West Frontier Province (NWFP) issued a notification dated 31 May 1995 empowering all District Magistrates under section 9 of the Bonded Labour (Abolition) Act 1992, to ensure that the provisions of the Act were properly implemented, and issued another notification dated this month empowering, under section 16 of that Act, all Magistrates of the first instance to try offences under the 1992 Act. Magistrates had been similarly empowered by the Governments of Baluchistan and Punjab. The Sindh Government had also empowered all Additional District Magistrates (ADMS) to file cases related to bonded labour violations. Moreover, Vigilance Committees had been formed at the district level in the four provinces in accordance with the Bonded Labour (Abolition) Act 1992. Some of these Committees were not very effective and might need to be reinforced, yet these did provide an institutional framework in all provinces for the monitoring and investigation of incidents of bonded labour. Efforts were being made to further strengthen the functioning of the Vigilance Committees under the supervision of the Home Departments of the Provinces. Also, a system of evaluation had been put in place with the performance of these Committees being frequently assessed in the interministerial and inter-provincial governments' meetings. The Government welcomed any assistance of the ILO for further improvement of the functioning of the Committees.

With regard to the rehabilitation of released bonded labourers, Rule 9 of the 1992 Act provided for the establishment of a fund to finance projects for the rehabilitation and especially the training of freed bonded labour. The Rule stated that the fund should consist of contributions made by the federal Government or the provincial Government. The Government intended to set aside a specific amount for this purpose. The present Government's commitment to the elimination of bonded labour was evident from the fact that on 21 May 1997 it had signed an agreement with the European Commission and the ILO to launch a programme to eliminate bonded child labour. The programme would cost US$2.2 million and was spread over two years. It would raise awareness on exploitative and hazardous child/bonded labour practices, increase the capacity of the government machinery, employers' and workers' organizations and NGOs to withdraw children from bondage and prevent children from entering into bondage. The programme targeted a small group of child/bonded labour and their families. The programme had a major focus on rehabilitation activities. It involved among other measures: the establishment of 18 Community Education and Action (CEA) centres throughout the country for rehabilitating children in specific economic sectors and occupations with a high incidence of child/bonded labour; withdrawing a selected number of them from this type of work; preventing younger siblings of the bonded labourers from entering bonded labour and providing them and their families with viable alternatives; strengthening of the capacity of the Pakistan Bait-ul-Mal (PBM) and the provincial/district PBM officers and the Bunyad Literacy Community Council, the Anti-Child Abuse Committee of the Pakistan Paediatric Association and the Pakistan Human Rights Commission to provide an integrated package of support services to ex-bonded labour through community action.

The Government of Pakistan was taking measures to raise the level of awareness about bonded labour. The Directorate of Workers' Education of the Ministry of Labour had published the Urdu version of the 1992 Act and the 1995 Rules for the information of the general public. The Ministry of Social Welfare had prepared a project which envisaged a four-year programme of awareness raising on child and bonded labour through the electronic media. The presence of an open and free press had contributed towards sensitizing the general public on laws relating to bonded and child labour. Various programmes initiated under the IPEC Programme had further contributed to awareness raising among the general public. The Government was also working on the initiation of an awareness programme in collaboration with AUSAID.

The reference in the Anti-Slavery International's Report to the petition before the Federal Sharia Court on the legality of sections 6 and 8 of the Bonded Labour (Abolition) Act 1992 was correct. However, in 1988, the Supreme Court of Pakistan pronounced bonded labour as unconstitutional and thus in contravention of article 11 of the Constitution of Pakistan. The Supreme Court ruling ensured that the 1992 Act continued to be implemented.

Several concrete measures had been taken by the Government and the private sector over the past year aimed at the elimination of child labour. These included the following: the Sialkot Agreement was signed in February this year between the Sialkot Chamber of Commerce and Industry, the ILO and UNICEF with the objective of eliminating child labour from the soccer ball industry in Sialkot, Pakistan, over the following 18 months. The Agreement had set up a programme to assist manufacturers and assemblers of soccer balls in identifying and removing child labourers from the industry and providing them with educational and other opportunities. Moreover, a national-level NGO, the Child Care Foundation of Pakistan (CCF), had been set up to deal with child labour. The Board of Governors of the CCF included representatives of the Ministry of Labour, UNICEF and the HCRP. The Board of Governors had set up a subcommittee to prepare drafts for the establishment of a reliable and sustainable child labour monitoring system in Pakistan. The monitoring system was expected to be launched from August to September 1997. In addition, a number of initiatives had recently been taken by the private sector for international certification of their products. Rug-mark International, STEP, Care and Fair and Qualité France were actively working to set up monitoring-cum-certification systems and welfare projects for children in Pakistan. Rugmark Foundation and carpet exporters were about to sign an agreement to launch the system. Finally, the Pakistan Carpet Manufacturers' and Exporters' Association (PCMEA) had set up six schools in carpet weaving areas in and around Lahore where about

600 working children were being taught the basics of literacy. The members of PCMEA were also running ten dispensaries in areas where carpets were manufactured. The Sialkot Chamber had also set up a number of schools and dispensaries and vocational institutes for child workers in the soccer ball industry. These measures illustrated not only the commitment of the Government but also of the general public, trade unions, NGOs as well as the employers to combat and eliminate the phenomenon of child and child bonded labour in Pakistan.

Other initiatives of the Government for the elimination of child labour included the establishment of 27 rehabilitation centres by the Pakistan Bait-ul-Mal for the education and rehabilitation of working children. Moreover, Pakistan took a lead in the establishment of a time-frame for the elimination of child labour in South Asia. The Third SAARC Conference on Children in South Asia, held in Pakistan, adopted the year 2005 as the target date for the elimination of child labour in the region. Finally, the number of inspections had increased manifold as stated earlier. Training courses for inspectors had been organized to improve the methodology used and enhance their professional capacity in order to implement the law effectively.

On the question of restrictions on the termination of employment and the Committee of Experts' observation that the Government should take necessary steps to meet the requirements of Convention No. 29 on this count, she stated that the application of the Essential Services Act had further been narrowed. In 1995, there were nine establishments or categories of employment to which the Essential Services Act was applicable. This number had been reduced substantially. At present the Essential Services Act was applicable to six categories of establishment which were considered critical for the security of the country and the welfare of the community. These included employment with: (i) the generation, transmission, distribution and supply of electricity; (ii) specific oil and gas organizations whose number had been reduced from 17 to nine; (iii) the Pakistan Security Printing Corporation and Security Papers Ltd., Karachi; (iv) the Kahuta Research Laboratories; (v) the Civil Aviation Authority; and (vi) the Karachi Port Trust and Port Qasim Authority.

The Workers' members indicated that they would concentrate on Parts I and II of the Committee of Experts' observation. As concerned Part III — restrictions on termination of employment — they considered that the Committee's conclusions of last year should be reiterated. Even though the Government representative had said that there had been progress in this regard, it was clear from her comments that there were continuing restrictions on the termination of employment for some groups of workers. The Committee was asked to re-emphasize this point in its conclusions.

The Workers' members pointed out that the case had been before the Committee on numerous occasions and that each time the Committee had asked to see substantial progress. It was recognized that lack of legislation was not the problem here; it was the effective application of that law that was lacking. Bonded labour was prevalent in many sectors in Pakistan including brick manufacture, construction, sports goods manufacture and carpet weaving. It was prevalent despite the fact that the national Constitution forbade bonded labour and despite having been abolished under the Bonded Labour (Abolition) Act. One of the ugliest manifestations of this practice was in agriculture which was still largely informal and unregulated. The landlords exercised considerable influence over income tax and other local officials. In other areas where parents were forced to provide labour services to landlords, their children were frequently trapped in debt bondage. Often the parents took a loan to meet urgent needs and then had to repay by working. In practice the debt did not decrease but instead climbed upwards. Thus every member of the family, including the child, had to contribute to the defraying of the accumulating debt. In some cases in agriculture, the tenant and his family were heavily guarded around the clock to stop escape and, in the most extreme cases, were kept in "private jails" and in iron fetters when working in the fields. Reports that women were subjected to sexual attacks were well documented.

Although the Government representative did not dispute that the problem existed, the Workers' members wondered what programmes had been undertaken by it to ensure that bonded labourers were aware that they were free from their debts. With regard to enforcement under the legislation, district magistrates had the power to ensure that the provisions of the Bonded Labour (Abolition) Act were properly applied through inspection and monitoring. They were also empowered to establish Vigilance Committees. The rules relating to these Committees were specific and designated 18 categories of persons who could belong thereto. Only one place was allocated to an organization representing workers. The reality was that such Committees were heavily represented by those who held power in the community, including businessmen who themselves employed bonded labour.

The Workers' members wondered what changes had been introduced by the Government since last year when the Committee of Experts had called for greater progress in making these Committees more effective and representative of the community. Specifically, what had the Government done to improve the rate of detection and inspection; how many prosecutions had taken place; and what penalties had been imposed? It was noted that the conviction rate was low: what were the reasons for this? It was no use having a law if that law was not applied and enforced rigorously.

With regard to the release and rehabilitation of freed bonded labour, the Workers' members stated that the rules issued in 1995 under the legislation provided no guidance about release procedures. The Government representative had stated that her Government intended to allocate money to establish and support programmes designed to assist those workers freed from bondage. In practice it seemed that no resources had been identified to pay for rehabilitation. Moreover, the figures given by the Government representative on the number of those released were dismal in view of the great number of persons involved. Many of those released were forced to return to debt bondage because of the lack of assistance from the Government.

The Workers' members noted that the 1992 Act had been challenged in the Islamic court by a brick kiln owner. Although they had taken note of the Government representative's comments on this, the evidence suggested that employers were taking advantage of the legal uncertainty created by this case since a decision still had not been handed down. What had the Government done to clear up this legal confusion? It seemed that this case was a direct attempt to subvert the requirements of national legislation.

The Committee of Experts was of the view that no progress of any substance was being made on the violations of the Convention in practice, as reflected in its observations. Having said that, there was one example of progress and this was the Sialkot Agreement. While this affected only a very restricted export sector, the Workers' members welcomed this development and recognized that this was an example of unions, employers, Government, NGOs and voluntary organizations working together. The Workers' members were further pleased to note the initiative of 13 action programmes under IPEC in cooperation with the ILO. They urged the Government to continue this work with renewed vigour so that sustained and significant progress could be reported.

In conclusion, the Workers' members required the Government to commit itself to the detailed recommendations on the action that needed to be taken as set out in paragraphs 13 and 14 of the observation of the Committee of Experts. These recommendations were endorsed by the Experts in paragraph 15. Specifically they referred to a publicity campaign to tackle attitudes as well as to provide information on the law, the establishment of an integrated programme of legal and social action at national, provincial and district levels, so that pending cases could no longer be cited as an excuse to ignore the law, legal procedures to be strengthened and Vigilance Committees to be better resourced and empowered. There was also a call for practical help and assistance to be made available to those freed, an expansion in the resources directed towards education and the ending of harassment and repression of activists working to free bonded labour. It was noted that the Experts had made further recommendations in paragraph 16. The Workers' members asked the Government to give an unequivocal commitment today to implement these recommendations.

The Workers' members also referred to the fact that the Government had not replied to various points raised in the observation of the Committee of Experts, including the comments made by the All Pakistan Federation of Trade Unions.

The Employers' members pointed out that this case which had been discussed 11 times since 1981 was a regrettable one. While it appeared that the magnitude of the problem of bonded labour and bonded child labour might have been overstated, it was still a significant problem that could not be minimized, particularly in the brick kiln industry. The barrage of statistics and information that had been provided by the Government representative had to be analysed by the Committee of Experts. However, there had never been a lack of information from the Government. They could only express the firm hope that the Government was moving expeditiously to take concrete and comprehensive steps to eradicate bonded and child labour.

In 1992 the Bonded Labour (Abolition) Act was enacted and it gave district magistrates the power to implement the law and authorized Vigilance Committees to support the district magistrates in their efforts to identify, free and rehabilitate bonded labourers. Unfortunately, for three years the law was not enforced at all. Since 1995 some steps had been taken by the central Government to delegate powers to the district magistrates, including instructions to set up Vigilance Committees. One of the main aspects of the 1995 Rules was the relatively weak Rules for rehabilitation of released bonded labourers. Specific and detailed information on the application in practice of the rehabilitation programmes should be given to the ILO. The Employers' members had confirmation on the number of labourers released but no accurate information on the success and failure of the rehabilitation programme. Local officials appeared not to be enforcing the law. Moreover, few Vigilance Committees had been established and they did not conform to the law when they were established. Finally, judges had not been given the necessary powers or jurisdiction.

The Employers' members indicated that these problems needed to be corrected. It appeared that the Government was working on the issue of child labour and bonded labour through Committees, surveys, and a commitment to providing primary education, all of which should be encouraged. The Government should clarify the circumstances under which a child had offered him or herself voluntarily. However, there were also indications that the Government was not effectively dealing with the challenges to the law. This merely encouraged debt bondage. At the same time there was evidence that activists working against bonded labour were victims of arrests and harassment. Clearly there needed to be full and effective implementation of the Bonded Labour (Abolition) Act. This had to be reflected in the Committee's conclusions in the strongest possible terms.

Finally, there was a problem of federal employees under the Pakistan Essential Services Act terminating their employment without the consent of the employer, even if the employment contract provided otherwise. This was a kind of forced labour. The Government had indicated for a number of years that it would be amending the law which was enacted in 1952. Moreover, it stated year after year that the law only applied to certain essential services and categories of employees that were reviewed regularly and that the list was constantly reduced. None the less, this was a serious violation of the Convention that had to be remedied. As an urgent matter, this Act should be amended and brought into line with the Convention so as to eliminate restrictions to the freedom of workers to leave their employment.

The Workers' member of Pakistan pointed out that children were the future of the posterity of any nation and that if children were lost the nation was lost. In Pakistan the prevalence of the feudal system had not allowed economic and social conditions to develop. He stressed that in addition to the Vigilance Committees, there should be a commitment by the Government to allocate resources for social and educational purposes. In carrying out these measures, a national action programme was needed. Measures were needed to be taken against the underlying causes of poverty. In addition, economic incentives needed to be used for poor families to send their children to school. He acknowledged that a new Government had been installed and a commitment made but the actual implementation of this commitment had to take place. He would appreciate it if the Government had recourse to ILO technical assistance.

The labour movement in Pakistan had been putting pressure upon policy makers to allocate adequate resources for education and training for the children. By virtue of the poverty of the parents, the children should not be deprived of their basic right to full physical, mental and spiritual development due to their non-access to meaningful education facilities. He informed the Committee that some positive development had taken place with the cooperation of the ILO, including (i) the signing of an Agreement between the ILO, UNICEF and the Sialkot Chamber of Commerce and Industry (Punjab Province) for the rehabilitation of children engaged in the soccer ball industry; and (ii) the establishment of the "Rugmark Foundation" for the elimination of child labour in the carpet industry and for the provision of education and training and the rehabilitation of the children concerned. He indicated that the trade union movement had also contributed to creating awareness in society against the evil of child/bonded labour and to ensuring the success of these two projects, with their symbolic monetary support. The speaker urged the Government to repeal the Essential Services Act and to bring national labour legislation into conformity with the provisions of Conventions Nos. 29 and 87, and into consonance with the recommendations made by the ILO technical mission to Pakistan. He also called upon the Government to withdraw the recent amendment to the Banking (Special Courts) Ordinance 1996 which, in debarring a person not employed in the banking industry from standing for election as a trade union officer, runs counter to the principle of freedom of association.

The Workers' member of Turkey was of the view that the Government's report concerning the cases of bonded labour discovered by the authorities was not persuasive. A report by the Human Rights Commission of Pakistan in 1995 estimated the number of children working to be realistically in the region of 11-12 million. According to the same report, at least half of these children were under the age of ten. Their wages were, on the average, a third of the wages of adult workers; their entrance to the labour market had further depressed the wages of their parents. Thus child labour had not contributed to the solution of the problem of poverty of families but rather had exacerbated it. Moreover, the assertion that Pakistani children had traditionally worked with their families was not relevant now. Until the 1960s children seldom worked outside the family. The present system of bonded labour developed from the 1960s onwards, when the Government tried to expand the manufacturing base. This led to a large increase in the number of children employed as wage-earners.

The speaker wished to have information from the Government representative on the following points: the number of labour inspectors in Pakistan to inspect enterprises; the legislation concerning the rights of homeworkers; the size of the informal sector; whether members of the Bonded Labour Liberation Fund had been prosecuted or were free to engage in legal activities; whether the assassin of Iqbal Masih had been apprehended; what the school enrolment rate of children below the age of 15 was and whether there had been any improvement in this ratio since the promulgation of the 1992 Act; and whether sanctions had been applied to district magistrates who had not fulfilled their obligations under the 1992 Act.

The Workers' member of India, recalling that the Government had ratified the Convention in 1957, pointed out that the result of 40 years of implementation was not adequate at all. While he acknowledged that it was not easy to eliminate this problem, measures had to be taken gradually. For example, the presence of Vigilance Committees was not enough since someone had to supervise their work. Moreover, the problem of released bonded labourers had to be addressed since often, as in India, after six to eight months, released bonded labourers again became subjected to debt bondage. It was not true that the problem could be eliminated by 2005 as it had been referred to, since it had existed for centuries. Finally, IPEC only raised awareness of the problem. However, the mechanisms to eliminate bonded labour needed to be established at the domestic level.

The Workers' member of New Zealand asserted that the observation of the Committee of Experts revealed that very little, if anything, had changed since the previous year. It was clear from the observation that much bonded child labour arose from the parents' indebtedness and enslavement of the whole family. The conclusion was inescapable that as long as adult bonded labour persisted, so would child bonded labour. As far as adult bonded labourers were concerned, the observation of the Committee of Experts revealed that the Government had failed to systematically and thoroughly publicize the rights of bonded labourers; had failed to take all necessary steps to ensure the Bonded Labour (Abolition) Act was fully implemented; had failed to provide adequately for the rehabilitation of released bonded labourers; and had failed to end the harassment of activists involved in identifying and freeing bonded labourers.

Much of the information contained in the observation was shocking, particularly on the following points: the failure to speedily resolve the legal challenges to the law by employers of bonded labourers, thus allowing all employers to claim that the law did not have to be implemented; the involvement of employers of bonded labour on some Vigilance Committees; and the fact that some 2,000 cases lodged by bonded labourers under the Act between March 1992 and early 1995 were turned down by the courts on the grounds that they did not have jurisdiction. In view of the above, the Government had to launch an extensive publicity campaign so that bonded labourers knew their rights and employers knew their responsibilities. Moreover, the Government had to adopt a comprehensive and integrated campaign of legal and social action. Finally, it had to put an end to the harassment of activists working to free bonded labourers.

The Workers' member of Italy emphasized that the documentation gathered by the Committee of Experts showed the breadth of this particularly shocking situation: laws existed but were not enforced except by certain local magistrates or thanks to the action of groups committed to freeing bonded workers. In light of the socio-economic realities in which bonded labour was entrenched, profound changes were required. The Government representative's statement appeared to be in the right direction. But the authorities must stop obstructing the work of NGOs such as the Bonded Labour Liberation Front. The representatives of this NGO were recently invited to testify in Italy: they had said that too often freed workers returned to bonded labour to escape destitution. The struggle against bonded labour must be the object of a vast and integrated programme based on the IPEC model.

The Workers' member of Greece pointed out that it was inaccurate to state that the situation was only known through information from NGOs: it was described at length throughout the 13 pages of the report of the Committee of Experts and it was too easy to claim that NGOs were over-stating the figures concerning this criminal phenomenon. To rely on colonialism as an argument to explain bonded labour was no justification. To put an end to this intolerable situation was also the responsibility of developed countries. Through the WTO, a mechanism indicating where products came from and where they were manufactured should be found and this would probably encourage consumers to reject these products. Since the intentions of the new Government were not yet known, excessive pressure should be put on the new Government. Nevertheless, this case had to be followed very closely to ensure that the Government was not only making statements of principle but had real desire to eliminate such exploitation.

The Government representative thanked all speakers and indicated that their comments would be transmitted to the Government. She assured the Committee that detailed responses in writing would be provided to the Committee of Experts. With regard to the allegation that little progress had been made in inspection, she pointed out that more than 35,000 inspections had taken place this year, as compared to 6,800 the previous year. While it may be true that the 1,000 bonded labourers released over the last year was not a high number, the figure of 20 million persons working as bonded labourers was unrealistic. She noted that there had been criticism of the Vigilance Committees as well as of the Rules issued in 1995 under the legislation on the release and rehabilitation of freed bonded labourers. However, these Rules had been drawn up with ILO technical assistance. Finally, with regard to the criticism that the Government had had since 1957 to implement the Convention and still had not done so, she pointed out that while it was true that the Convention was not fully implemented, it had only been five years since the Bonded Labour (Abolition) Act had been enacted.

The Workers' members indicated that it was difficult to evaluate all the information given by the Government representative. However, they maintained that the conviction rate of those responsible for using bonded labour was relatively low and that no information had been given by the Government about the penalties imposed on those convicted. They insisted that it was a pressing, major and widespread problem. They regretted that they had not heard the Government representative commit to implementing the recommendations formulated by the Committee of Experts in paragraphs 13, 14, 15 and 16 of its report. They appealed to the Government to include, at district and local levels, in the machinery to implement the Bonded Labour (Abolition) Act, 1992, representatives of employers' and workers' organizations as well as non-governmental organizations devoted to the elimination of bonded labour.

The Workers' member of Pakistan insisted that this problem should be the primary concern of the Government. Moreover, he stressed that the number of persons working as bonded labourers quoted by Anti-Slavery International was not based on correct information. How, in a modern information age in a democratic country could two-thirds of the labour force be termed as "bonded labour"? However, such a scourge required to be eliminated at the earliest time. This needed great political will and the allocation of adequate economic and social resources. The punishment for this crime should be sufficient to serve as a real deterrent. He added that the Government should make available legal assistance to persons who were the victims of bonded labour since these people did not have the means to take legal action themselves.

The Committee took note of the detailed information provided by the Government representative and of the exhaustive discussion which had taken place. It also noted that the Government adopted a certain number of measures aimed at eliminating forced labour and that it had received technical assistance from the ILO and from IPEC, in particular, for the elimination of child labour. The Committee noted the Government's statement that estimates of the number of workers in bonded labour were exaggerated. The Committee noted with concern that an important number of questions were still pending concerning the practical impact of the measures taken until the present time to resolve this case which has been discussed already for a number of years. It hoped that the new Government would avail itself of the technical assistance of the Office to continue in its efforts to effectively abolish this unacceptable practice and that it would consider the possibility of inviting a direct contacts mission. The Committee urged the Government to provide in its next report full detailed replies on all the questions raised by the Committee of Experts with a view to being able to note concrete progress in the next year.

Sudan (ratification: 1957). A Government representative restated his Government's commitment to put an end to any practice of forced labour whenever it was established that such practices existed. The investigation committee, set up by the Ministry of Justice in 1995, had completed investigations in 249 cases of such alleged practices. Decree No. 2 of 5 March 1996 extended the mandate of the investigation committee, and Decree No. 3 of 21 May 1996 extended its composition by including non-governmental representatives. The measures undertaken by the committee consisted of sensitizing the citizens; informing non-governmental organizations and ensuring their involvement; informing the competent authorities of allegations of forced labour and slavery; summoning persons allegedly involved and investigating the allegations; conducting inspections; disseminating information by radio and local television about inspections being conducted in order to allow citizens to submit complaints or allegations; and arranging for meetings to inform personalities such as the Ambassador of the United States, the Special Rapporteur of the United Nations, the members of the African delegation of human rights and representatives of the State Department or of the Congress of the United States. This committee had conducted a first inspection in the areas of the Nuba mountains on 4 to 14 July 1996 after receipt of certain — rather vague — information from Christian Solidarity International and the African Commission on Human Rights concerning practices of the sale of slaves and the use of children as domestic servants in the service of officers of the armed forces or high officials. Following meetings with several high-ranking officials, including the main persons in charge of the police force — visits which were recorded on video film as well as in written form — the investigation committee concluded that it had not obtained any information concerning the slave trade in the areas in question; that no instances of rape or abduction had been established; that following inquiries on the question of child domestic servants it had been shown that all received wages and that there was no evidence that children were used as unpaid agricultural labourers.

A second visit took place in another region from 16 to 20 November 1996 to investigate allegations concerning the abduction and forced transfer of 27 school pupils in May 1996. On the basis of contacts established with the representatives of the armed forces, the internal security forces, the police and Sudanese Red Crescent Society, as well as calls through the press for any testimonies which could validate or invalidate these allegations, the investigation committee established that the pupils had left voluntarily, with the consent of their parents, in order to pursue their secondary education. All students had been found and were presently together with their next of kin. This incident was founded on a rumour broadcast over the radio by the opposition parties under the subterfuge that the date of the students' departure did not coincide with the beginning of the school year.

A third visit took place from 13 to 17 January 1997 in the area of Bahr El-Gazal. The investigation committee noted that no complaints had been lodged, that the allegations by the United Nations Special Rapporteur had not been proven, that children and adults moved freely by northbound trains in search of better living conditions, and in order to flee from the fighting, and that those responsible for the disappearances of children were the rebels who enlisted them to serve as porters.

The endeavours of the investigation committee rigorously to establish the facts bore witness to the Government's determination to put an end to any violation. The preliminary report of the investigation committee had been submitted to the United Nations Centre for Human Rights and demonstrated clearly that the Government fully respected its obligations by its systematic efforts to establish the existence of any cases of forced labour or of slavery. Several officials were responsible for collecting claims throughout the country and the work of the committee was continuing. He stressed that the issues discussed did not involve slavery but were the result of tribal conflicts which led to the taking of hostages. The Government was attempting to intervene in order to contain these conflicts and to arrive at the release of hostages and compensation. The war had added to the complexity of the situation as the rebels had engaged in the abduction of hundreds of children in territories where the Government exercised no control. It was to be hoped that the implementation of the peace agreement, signed in April 1997 with all but one of the rebel factions, which stipulated respect for all fundamental human rights, would bring about an end to this situation. These explanations demonstrated that the Government was pursuing the dialogue with the Committee of Experts and this Committee in order to establish the facts clearly and gain recognition for its commitment to taking all necessary measures to prohibit any violation of the Convention.

Another Government representative, the Minister of Manpower, stated that he had read with keen interest the Committee of Experts' observation on the situation of servitude and abduction of women and children, large-scale slave trafficking and that people came from abroad to buy and sell slaves in the Sudan. But he wanted to explain the situation in the Sudan which did not tally with that information. He pointed out that the war in the Sudan had gone through two phases: the first ended after 17 years during which a massive number of the southern Sudanese people had fled to neighbouring countries. Thus, the UNHCR had been obliged to repatriate some of these refugees. The situation was different during the second phase of war which started in 1983. The southerners this time fled en masse to northern Sudan. People from southern Sudan lived in extended families but during the war and these exoduses they became separated and dispersed and roamed in and about

Khartoum in their thousands. In these circumstances, he wondered how there could be a market for a slave trade. He asserted that the reports referred to in the observation of the Committee of Experts were from outside sources and were politically motivated. He had been Chairman of the Human Rights Committee of the National Assembly in 1994 and 1995 and, in an effort to verify such reports, he had led a delegation to southern Sudan, only to discover that there were a lot of refugees returning from the north. While these refugees lacked food and clothing, they were not victims of bonded labour. The delegation did not see any case of forced labour anywhere. The areas where forced labour allegedly took place and which were mentioned by Christian Solidarity International in the observation of the Committee of Experts were in rebel-held territories and often were linked to tribal fighting during the dry season when water was scarce. The Government authorities could not go to these rebel-held areas because they would be killed. He therefore could not see how Government troops could resort to the use of forced labour in these areas as alleged by the above organization.

Referring to the recently signed agreements which provided that there would be a transitional period of four years, after which the southern Sudanese would decide whether to remain with the north or to become a separate State, he contended that the practice of forced labour would not stop completely unless there was peace in the country.

The Workers' members contended that this case involved trading in slaves and the imposition of slavery, servitude and forced labour on people from the black African Dinka, Shilluk and Nuer tribes, and the tribes of the Nuba mountains in southern Sudan. Evidence from eye witnesses and first-hand accounts testified to gross human rights abuses encouraged or directly inflicted by the Government and its security forces. The case was compounded by its pronounced racial aspect. The Committee of Experts had made comments on the application of this core Convention by the Sudan in 1989, 1990, 1992, 1993, 1994 and again this year. This case had come before the Committee in 1989 and in 1992 when the conclusions were placed in a special paragraph, as well as in 1993 when they were placed in a special paragraph for continued failure to implement the Convention. The Government had always denied the existence of forced labour. In 1993, it had stated that the problems were related to tribal conflicts. As the Committee of Experts had noted, this would not in any case exonerate the Government from its responsibility to ensure the right to life, security and freedom of its citizens. The 1994 observation was based on two visits to the Sudan by the United Nations Special Rapporteur on the situation of human rights in the Sudan in 1993, who reported a great deal of consistency with respect to the circumstances of the abduction and sale of slaves. This year's observation was based on the most recent report of the Special Rapporteur (February 1996), which was corroborated by comments from the World Confederation of Labour and evidence collected by Human Rights Watch, Christian Solidarity International and the press. The Government had not replied to the WCL's comments. Referring to paragraph 22 of the Committee of Experts' observation, the Workers' members pointed out that the documentation highlighted inter alia that the number of chattel slaves held in northern Sudan was estimated to be in tens of thousands. Government-backed militia regularly raided black African-Sudanese communities for slaves and other forms of booty. The slaves, in most cases children and young women, were taken north where they were forced to provide domestic and agricultural labour and to provide sexual services against their will — for nothing other than a minimum amount of food for survival. Some boys were forced to attend military training camps where they were indoctrinated and trained to wage war against their own people. The raids undertaken by the Government-backed militia were accompanied by atrocities. Captives who were deemed unfit to serve as slaves were generally tortured and/or killed.

The Special Rapporteur had noted the lack of interest of the authorities in investigating the cases of forced labour brought to their attention, as well as an alarming increase in reports of slavery, servitude, the slave trade and forced labour in the Sudan. The Workers' members therefore requested the Government to take immediate and effective measures to secure the observance of the provisions of the Convention and to report on concrete action taken, including information on cases brought to justice, the number of convictions and penalties imposed on the offenders. They had taken note of the information supplied by the Government representative regarding the report of the investigation committee and awaited its evaluation by the Committee of Experts. Because of the gravity of this case, its long history and the overwhelming evidence pointing to the direct involvement of the Government in the violations, the Workers' members urged that the Committee place this case in a special paragraph of its report for continued failure to implement the Convention.

The Employers' members pointed out that this was a very serious case which had been discussed on numerous occasions. Information from various sources which had carried out investigations on the spot — such as the Special Rapporteur of the United Nations Commission on Human Rights and non-governmental organizations — demonstrated that for several years, different types of forced labour existed on a wide scale. The "cleansing" campaign carried out in Khartoum consisted of the abduction of homeless children who could be bought back by their families, as a way of earning money for the poorly paid soldiers. It appeared that this practice was systematic and tolerated by the Government. The arguments put up in defence by the Government had evolved over the years. It started by denying the allegations. Then it stated that forced labour was an offence under the Penal Code, and that the absence of convictions showed that the problem did not exist. Finally, it stated that the problem was the result of tribal conflicts rather than the abduction of slaves. While one Government representative here seemed to admit that a problem of forced labour existed, the other Government representative stated that measures would be adopted only if such cases were brought to light. It thus appeared that the Government kept on denying the existence of slavery and forced labour. Despite the good relations that it seemed to have with the United Nations Special Rapporteur, the Government had apparently not found any proof which enabled it to conclude that such practices existed, except to attribute them to the action of the rebels or to tribal conflicts which were presented as an exhibition of folklore, while it was in fact a deadly civil war. This position was unacceptable. For years the Government had been lying and had taken none of the necessary measures. Therefore, this Committee had to accept with great mistrust the statements of the Government representatives. This case became more and more disturbing as time went by. The peace agreement was a tiny element of hope but it had not led to any results so far. The Employers' members thus subscribed fully to the position of the Workers' members, and considered that the extremely disturbing nature of this case had to appear in the conclusions of this Committee.

The Workers' member of Turkey stated that all reliable and credible testimonies concerning the Sudan gave numerous examples of the most severe cases of slavery, servitude, slave trade and forced labour. Moreover, what was even worse, the armed forces, popular defence forces and the mujahidin of the Government were directly involved in these horrible acts against humanity. The slaves were forced to work, raped, beaten and starved. It had been reported that some masters severed their slaves' Achilles tendons to keep them from running away. The Government's claim that there were tribal conflicts in which both sides took hostages was completely out of the question. There was outright slavery, the price of slaves vacillating according to supply. According to reliable sources, a woman or child could be bought in 1989 for US$90. Due to oversupply, the price fell to US$15 in 1990. In December 1996, 58 slaves were redeemed, the price being three cows per slave. Slavery in the Sudan was much worse than apartheid had been in South Africa. He therefore supported the proposal to mention this case in a special paragraph of the Committee's report.

The Workers' member of Italy expressed his horror and helplessness faced with which seemed to be a synthesis of the worst scourges of humanity: ethnical and religious conflict, children forced into slavery and the denial of the right to life and human dignity. Although these deplorable practices of slavery and forced labour had to be placed in the context of the war, the Government was none the less implicated. The international community should increasingly pressure the Government to take concrete measures so as to end these extreme violations of the Convention. The opening up of a dialogue with the United Nations was an interesting factor which should be complemented with dialogue at the national level.

The Workers' member of the Sudan stressed that these problems did not only concern the Government, but rather the whole Sudanese society. If the practices described by the United Nations Special Rapporteur really did occur, this would imply a regression to times of slavery and servitude. The situation therefore had to be thoroughly examined. The Workers' Trade Union Federation of Sudan had invited the World Confederation of Labour to make *in situ* inspections so as to enable it to base its judgement on a more solid foundation than merely newspaper articles. The case should be considered by requesting more detailed information in order to be able to make a more balanced evaluation of the case.

The Workers' member of the United Kingdom stated that the details of this case were truly chilling and horrifying. The Government representative had again repeated that the problem was not one of slavery but of tribal conflicts in which hostages had been taken. The Committee of Experts, however, pointed out that reports and eye witness accounts revealed a great deal of consistency with regard to the circumstances and locations of abduction, the names of locations where children and women were said to be kept in special camps, and where people from northern Sudan or from other countries, reportedly came to buy these people. The sale or traffic of children seemed to be an organized and politically motivated activity on a massive scale. The Committee of Experts noted that the Government had not replied to the comments of the World Confederation of Labour which had stressed that the officers and soldiers responsible for the raids in which these people were taken were able to pursue their actions with impunity. In spite of all this detailed evidence, the Government representatives had stated that the accusations were rather vague. She drew the Committee's attention to paragraph 23 of the Committee of Experts' observation which described in the greatest detail, with names, places and dates, one particular allegation involving a father trying to buy back his daughter in April 1996 who had been abducted by troops of the Government of Sudan. What more did the Government want in the way of specific details? The Government could not abrogate responsibility for this atrocious situation which was a gross violation of its obligations under the Convention.

The Government member of the United Kingdom, speaking also on behalf of the Governments of Canada, Denmark, Finland, Germany, Iceland, Norway, Sweden, Switzerland and the United States, indicated that she was gravely concerned by the reports, over several years and from many sources, of the persistence of slavery and related practices in the Sudan. She was especially dismayed by the findings of the 1996 report of the Special Rapporteur of the Commission on Human Rights on the human rights situation in the Sudan as well as by the 1996 comments made by the World Confederation of Labour. The Government's responses to these reports were not credible. She echoed the deep concern expressed by the Committee of Experts over the continuing failure of the Government to fulfil past undertakings to suppress these practices. She therefore fully endorsed the Committee of Experts' call for the Government to take immediate and effective action to implement its obligations under the Convention.

The Government member of Morocco noted that he had listened attentively to the statements by the Government representatives outlining the efforts undertaken by the Government to ensure the practical application of the Convention. This Committee should call for dialogue and cooperation in order to obtain concrete results and to help member States to resolve their problems. In this regard, the Committee should purposefully use the various means at its disposal. If, however, it sometimes had to resort to less pleasant measures, care should be takn not to do so only against certain countries. Although technical cooperation was the most appropriate means to help member States ensure the application of Conventions, it was time to consider which concrete results could be obtained by traditional means such as technical assistance, special paragraphs or direct contacts missions. Such an evaluation should permit a re-examination of the methods of work of the Committee to ensure greater efficacy in its work.

The Workers' member of Pakistan asserted that all persons had the right to live in dignity. He considered that the peace process through political dialogue, which had been mentioned by the Government representative, should be accelerated because the transitional period of four years before the referendum was far too long. The abduction of women and children and their exploitation, apart from being serious violations of the Convention, were heinous crimes and it was up to the Government to protect its citizens. These unjust and inhuman practices should be brought to an end in the shortest possible time. In view of the extreme seriousness of this case, he appealed to the Government to demonstrate its political will and mobilize all its resources to end forced labour and discrimination. The Government should avail itself of the technical assistance of the Office or alternatively a direct contacts mission in order to remedy the situation.

The Government representative, the Minister of Manpower, stated that he was not at all surprised that the speakers had reacted in the way they had, since they were relying on the observation of the Committee of Experts as their only source of information and the situation, according to that observation, was really bad. He admitted that it was regrettable that his Government had not responded to the WCL's comments, but pointed out that, at the end of the observation, it had been asked to report in detail in 1997, which he assured this Committee it would do. He stressed that, in view of the large size of the country and its poor infrastructure, it was not easy for the Government to collect information. But, as shown by the responses of the authorities during the various visits by the United Nations Special Rapporteur to the country, there were answers that could be supplied. He wished to put on record his opinion that a forum such as this Committee could be misled through reports that had emanated from prestigious bodies but which were politically motivated. He reiterated that a lot of southern Sudanese had been displaced and dispersed throughout northern Sudan, especially children who could be seen on the streets, and therefore there was no market for the slave trade. He appealed to the international community to help his country react to the massive population transfers. He took seriously the concerns expressed in this Committee but questioned the information given — such as that regarding the price of slaves — since those reports came from rebel-held areas where Government authorities or traders could be killed.

The Employer and Workers' members considered that this prolonged debate did not raise any new considerations that would justify a change in their initial position on this case.

The other Government representative stated that the information provided by his Government had shown its willingness to engage in a dialogue and to clarify the situation. The Government-appointed investigation committee would pursue its work and the Committee of Experts and this committee would be kept informed of its results. He noted that some speakers showed a tendency not to share this wish for dialogue which was serious for the future work of this Committee. The Committee should put a stop to this worrying trend. He hoped that it would take account of his Government's efforts to encourage dialogue.

The Committee took note of the information supplied by the Government representatives and of the discussion which ensued. For many years the Committee of Experts had been making references to the accusations that forced labour was being frequently imposed with the complicity or indifference of the Government. The same allegations had been made in the various reports of the United Nations Special Rapporteur on the situation of human rights in the Sudan and in the comments made by the World Confederation of Labour. The Committee took note of the detailed information supplied by the Government representatives on the different questions raised, regretted that they had not been submitted earlier and considered that this information, especially that relating to the activities of the committee created by the Government, should be examined by the Committee of Experts. It also took note of the historical background and of the situation of armed conflict prevailing in the Sudan, to which one of the Government representatives made reference, as well as his opinion that the allegations were politically motivated. The Committee observed that the Government could not prove the commitment which it declared it had to spare no efforts so as to bring forced labour to an end. In view of the contradictory information received and the continuing denunciations concerning violations of the Convention, the Committee urged the Government to increase its efforts to give full application to this Convention and request the technical assistance of the Office. Given the seriousness of the allegations and the time which had elapsed without any tangible progress being made, the Committee decided to include this case in a special paragraph of its report and to mention it as a case of continued failure to implement.

Convention No. 81: Labour Inspection, 1947

Sri Lanka (ratification: 1956). A Government representative indicated that, regarding the comments of the Jathika Kevaka Sangamaya on working conditions and special risks and hazards faced by workers in export processing zones (EPZs), all labour laws applied to all industrial concerns in these zones. The officers in the Factories Division of the Department of Labour carried out inspections on a regular basis and on the basis of complaints. Moreover, the Department's Safety and Health Division conducted regular inspections regarding matters on occupational health in the EPZs. Some inspections revealed that certain employers had not provided safety equipment to workers, while in other industries the workers had not used the safety equipment provided at the factory. Legal action had been initiated under the provisions of the Factories' Ordinance No. 45 of 1942 against those employers who had not adequately provided for safety measures. Awareness programmes on safety measures and occupational health were being carried out by the Department of Labour for factory managers and worker representatives. The Committee of Experts had requested the Government to provide information on the supervision of the application of the legal provisions to protect children and young persons in terms of the Employment of Young Persons, Women and Children Act, No. 47 of 1956. He stressed that no child labour existed in the organized sector in his country. If at all, child labour could be seen in the unorganized sector, particularly in domestic service. The Women and Children's Affairs Division of the Department of Labour also carried out inspections under this Act. Currently, the Labour Inspectorate comprised 300 labour offices, 57 Assistant Commissioners and 12 Deputy Commissioners, a number that was inadequate to cover all the workplaces regularly. In 1996, the Government had authorized 125 officers previously on probation to carry out inspections in relation to child labour. In 1996 and 1997, 21 cases had been filed against the employment of children in the domestic sector. Regarding the comments made by the Lanka Jathika Estate Workers' Union calling for a national programme to be drawn up on a tripartite basis to give effect to the Convention, he stated that awareness programmes, tripartite seminars and workshops on industrial relations, women's and children's affairs, and safety and health had been held. The Government hoped to accelerate the pace of the training programmes for the labour inspectorate, starting in 1997. Referring to Articles 20 and 21 of the Convention, the details on labour inspections were given in the Annual Administrative Report of the Labour Commissioner. Copies had been sent to the ILO on previous occasions. The 1996 report was being finalized. As for the comments made by the Jathika Kevaka Sangamaya concerning working conditions in government factories employing women, he pointed out that working conditions, including hours of work, were determined by the Wages Boards Ordinance, No. 27 of 1941. The Wage Board on Government Trade had decided the working hours and amount that should be paid as overtime exceeding normal working hours. Any employer contravening these provisions was liable for prosecution under the Ordinance. He listed the number of labour inspections carried out in EPZs and factories, as well as the inspections carried out relating to women and children, in 1995 and 1996, concluding that, since the new Government came to power in August 1994, several steps had been taken to strengthen labour inspection and to give effect to the Convention.

The Workers' members thanked the Government representative for the information which he had provided. The Committee of Experts had made comments on the application of the Convention in Sri Lanka in 1992, 1993 and 1995. This year, on the basis of the Government's reply to a trade union organization, its comments covered four points: first, on Article 3, paragraph 1(a), of the Convention which stipulated that the labour inspection system should be responsible inter alia for ensuring the application of the legislation relating to the employment of children and young people, the problem concerned its application in small independent industries, particularly those situated in export processing zones. The Government had indicated that protective provisions existed but, as the Committee of Experts requested, it should specify how their application in these industries and zones was supervised. Secondly, as regards measures to ensure tripartite cooperation in accordance with Article 5 (b) of the Convention, the Government representative had stated that initiatives were being taken in this regard. Thirdly, regarding the measures taken to strengthen the labour inspection system in accordance with Articles 10 and 16 of the Convention, the promise to create 50 new labour inspector posts was insufficient given the expansion in the industrial sector and the number of visits necessary in certain sectors like textiles. The Government representative had described the difficulties facing his Government in this regard, but had indicated that measures would be taken to increase the number and frequency of inspections. That would constitute real progress and the Committee of Experts would have to re-examine the situation. As for the application of Articles 20 and 21, it was hoped that the Government would supply information showing progress in the real protection of workers by efficient inspections. Labour inspection could appear to be a relatively technical subject. If the Workers' members were highlighting it so that this Committee would take an active interest, it was because, while apparently of a technical nature, it was a question that went to the very heart of the standard-setting system. The Committee of Experts had stressed the need for measures to be taken to strengthen labour inspection in order to overcome exploitation in work and more particularly the exploitation of children. These measures were therefore not only necessary; they would have to be taken urgently.

The Employers' members recalled that the report of the Committee of Experts on this case raised four questions relating to the application of the Convention by Sri Lanka. The first of these concerned the comments of the Jathika Kevaka Sangamaya concerning the many risks and hazards faced by workers in various industries and export processing zones (EPZs). The background to these problems was the development of complex modern machinery and the use of hazardous chemicals. The problems also related to long working hours and night work. Although the Employers' members welcomed the news of the economic development in the country and in the jobs created, they acknowledged the emergence of new risks. The Government representative had referred to laws which protected the employment of young persons and women. However, it was the responsibility of the inspection services to ensure that the labour legislation was enforced. In certain cases, workers did not take safety regulations into account. Inspection needed to be concentrated on the implementation of the laws to protect young persons. The Committee of Experts had requested full information on the laws that were in force and the inspections that were carried out. Although the Government representative had provided this type of information verbally to the Committee, it would also need to be provided in greater detail in the next Government report to the Committee of Experts.

The second issue raised by the Committee of Experts concerned the role played by tripartite negotiation in improving compliance with the Convention. In response to the request for information by the Committee of Experts, the Government should supply a detailed report. The Employers' members noted that the Government had ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) in 1984 and it was therefore to be hoped that consultative procedures would be extended to cover all the areas concerned.

With regard to the number of staff employed by the labour inspection services, the report of the Committee of Experts noted that measures had been taken to reinforce the labour inspectorate through the creation of 50 new posts. However, the trade unions in the country did not consider the action taken to be sufficient and the Government representative had said that the situation would be re-examined. Although no specific figures were laid down, the Convention called for the staff of inspection services to be adequate for the discharge of their duties. The application of this general provision would evidently depend on many practical issues. Detailed information on the situation should be provided to the Committee of Experts.

Turning to the question of inspection reports, the Employers' members noted that the Convention contained provisions on their content and form. Such reports were important because they provided an insight into the real situation in the world of work in the country concerned. In reply to the shortcomings noted by the Committee of Experts, the Government representative had provided some information on future policy in this respect. The Employers' members emphasized that the obligations set out in the Convention needed to be complied with at all times in order to give effect to this very important Convention, which had been ratified by a remarkably high number of countries. Indeed, there was even a possibility of increasing the number of ratifications. In conclusion, the Employers' members noted that the Government appeared to be making some effort in the right direction and should continue to do so. In its reports to the Office, it should ensure that all the information required under the Convention was provided so that the Committee of Experts could examine the case again.

The Workers' member of Pakistan expressed concern at the special risks and hazards faced by workers, which had been referred to in the report of the Committee of Experts. The issues at stake were serious matters that concerned human life and health and safety. The trade unions in the country had launched action against these very unsafe working conditions and it was now important to take all possible measures to create awareness, especially among workers' organizations, of the new hazards that were arising, particularly in EPZs, where the use of new chemicals and very sophisticated techniques was giving rise to unsafe working conditions. The transport of such chemicals and the introduction of new technology made it necessary to provide education and training in order to prevent accidents. However, this need was sometimes ignored by multinational enterprises, national employers and governments. Labour inspectors therefore had an important role to play in increasing awareness of the protective measures that were needed, especially for women and young persons. Although the Government representative had expressed the intention of broadening the responsibility of the labour inspection services, the recruitment of a mere 50 additional inspectors would not be sufficient to ensure the enforcement of existing labour legislation. In this respect, he noted with concern a slight decrease in the number of inspections carried out in 1995 and 1996, which illustrated that there was broad room for improvement. The Government should therefore show greater political will to improve the quality of life in EPZs and particularly for women and young persons.

The Workers' member of Greece thanked the Government representative for the information which had been provided and which had revealed a certain amount of progress. None the less, he insisted on the importance of quantifying the real progress precisely. He noted that the Government representative had confirmed that industries situated in export processing zones were covered by the labour inspection system. He asked the Government to indicate whether small industries were also covered and the number of workers which were concerned. In addition, he asked the Government to specify the sanctions that had been taken against employers who had been found guilty. With regard to the protection of young people he asked what measures had been taken to supervise the application of the legal provisions to protect children and young people against exploitation through work. In addition, he observed that several trade union organizations had made observations and wondered whether this might be an indication of a lack of cooperation between labour inspectors, on the one hand, and workers and employers and their organizations on the other. Finally, he insisted labour inspection could only be efficient if the necessary means were made available. All the various levels of government in Sri Lanka should allot the necessary funds for labour inspectors by giving their needs high priority in the allocation of budgets and providing them with sufficient numbers of qualified personnel.

The Workers' member of France emphasized the importance of this Convention in protecting the fundamental rights of workers including the right to life, health and humane working conditions. As stressed by the Workers' and Employers' members, the development of a large number of small industries under subcontract, by arrangements which were often located in export processing zones and in sectors where risks related to products and equipment were high, required the authorities to increase the number of inspections. In this regard, he supported the emphasis placed by previous speakers on the importance of governments taking the necessary steps to train qualified personnel so that they could carry out efficient inspections. Without efficient inspection, it was impossible to obtain a meaningful evaluation of working conditions, the risks to which the workers were subjected and the degree of exploitation of young people. The risks were even more poorly evaluated in the informal sector, where the abuses were generally more common. He insisted on the importance of the Government reinforcing its efforts in this respect. Moreover, the workers and their organizations needed to be closely associated in the elaboration and implementation of labour inspection and safety and health policies in all enterprises without distinction. In this regard he noted that the Government seemed not to have fulfilled its responsibilities. He added that it was essential to recruit and train qualified inspectors in sufficient numbers. In this way, workers' representatives would be in a position to contribute to an efficient labour administration. With regard to the allegations of the Government representative, who had placed a certain responsibility on the workers for not respecting safety regulations, he observed that this only served to highlight administrative deficiencies, which should be a warning to the workers. Moreover, employers needed to be associated with this exercise and measures needed to be taken to encourage employers to ensure that safety regulations were respected in their enterprise. He therefore urged the Government to provide detailed information in the very near future so that an evaluation could be made of the real situation, particularly as regards the number of enterprises covered, annual inspections carried out, and the number of infractions and sanctions imposed, as well as the level of participation of the workers. He hoped that the Government would rapidly take measures adapted to the magnitude of the problem and would take the appropriate decisions to ensure compliance with the provisions of the Convention and the implementation of the recommendations made by the Committee of Experts.

The Government representative thanked all those who had participated in the debate and who had made valuable suggestions. He assured the Workers' members that his Government accepted that the labour inspectorate was not currently adequately staffed. Indeed, the Minister of Labour had recently called for the employment of more professionals in the labour inspectorate. This objective would be fulfilled in stages in accordance with budgetary constraints. Although there was no child labour in the country's three EPZs, he recognized that children worked in the unorganized sector. Following a number of inspections, legal proceedings had been commenced in some cases. The Government had taken the decision to eliminate child labour and a committee had been set up by the President for this purpose. Legislation had been drafted and would soon be submitted to Parliament to make schooling compulsory up to the age of 15. It was hoped that child labour would be arrested by this measure. He noted in this connection that education was provided free in his country for all children from kindergarten up to school-leaving age. Among the measures taken to improve safety at work in a context of the introduction of increasingly sophisticated equipment and hazardous chemicals, he referred to the inspections that had been carried out, the instructions provided to the persons concerned, the introduction of safety awards and, for the first time this year, the organization of an annual safety and health week. In response to the comments made by a number of Workers' members, he indicated that a detailed report would soon be sent to the Office containing data on the number of inspection visits and the other measures taken by the Government on the issues raised by the Committee of Experts. Finally, he reaffirmed the dedication of his Government to giving effect to this Convention.

The Committee noted the detailed information submitted orally by the Government representative. The Committee stated that a certain number of discrepancies existed between the national practice and the provisions of the Convention regarding the number of labour inspectors, the frequency of inspections, and the submission of annual inspection reports. The Committee emphasized the need to verify by inspection that the provisions for protecting children and young persons from labour exploitation were respected, including in export processing zones. The Committee equally stressed the importance of the adoption by the competent authorities of adequate measures to promote collaboration between inspectors on the one hand and workers and employers, or their organizations, on the other. The Committee recalled the essential importance of the Convention and stated that the existence of an effective inspectorate constituted the best guarantee of respect in practice for labour standards. The Committee called on the Government to provide details in its next report on the measures taken or envisaged for the application of the Convention and suggested possible technical assistance from the Office.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

Bangladesh (ratification: 1972). A Government representative, referring to the observations made by the Committee of Experts, noted that freedom of association in Bangladesh was covered by the Constitution and trade union legislation, the Industrial Relations Ordinance (IRO), 1969. The trade union law covered only the organized sector, where between five and six million workers were employed. Other economic sectors were covered by the Constitutional provisions relating to freedom of association. Violations of this right could be submitted to the Supreme Court of Bangladesh, which was the highest judicial body in the country.

With reference to the right of association of persons carrying out managerial and administrative functions, he noted that the IRO allowed workers and employers to form trade unions without requesting prior authorization. Union membership was open to persons in factories, business, industries, shops and public sector corporations. Public servants in the Department of Telephone and Telegram and in the Department of Railways were also covered by the law. However, public servants in other government offices were not covered by the IRO. Moreover, persons in industrial and commercial establishments performing managerial and administrative functions could not join workers' trade unions. Such persons — who comprised approximately two per cent of the workforce — could form associations for the advancement of their rights and interests in accordance with Article 38 of the Constitution of Bangladesh, which gave every citizen the right to form an association or union subject to reasonable restrictions imposed by law in the interests of morality or public order. Persons carrying out managerial and administrative functions in the private sector therefore enjoyed the right of association.

On the question of the right of association of public servants, the speaker reiterated the view that the legislation of Bangladesh was in conformity with the requirements of the Convention. As stated in the Conference Committee in 1995, even though public servants were not covered by the IRO, they did have the right to form associations in order to advance their interests. Such associations held meetings, discussed the problems faced by their members and formulated demands for submission to the Government for negotiation. With regard to the exclusion of workers at the Security Printing Press and of public servants from the right to form trade unions, he maintained that the Constitution guaranteed their right to form associations to advance their causes.

The speaker noted that the observations of the Committee of Experts concerning restrictions on the range of persons who could hold office in trade unions had been answered by his Government in the Conference Committee in 1995. He reiterated that, except for workers dismissed for misconduct or convicted of the embezzlement of union funds, moral turpitude or unfair labour practice, every worker had the right to enjoy trade unions of their choice and to hold elected trade union office regardless of their age, sex or creed. Moreover, a worker dismissed for misconduct could seek redress against the management in a court of law. The admission of dismissed workers as either members or officers of trade unions might hinder normal trade union activities, as well as industrial peace and productivity, which might in turn frustrate the underlying purpose of trade unions and collective bargaining. In Bangladesh, dismissed workers were not elected to trade union office. However, section 7-A(1)(b) of the IRO promoted rather than restricted their right to choose their representatives.

In response to the observations of the Committee of Experts concerning external supervision, he stated that the IRO conferred certain quasi-judicial functions on the Registrar of Trade Unions. However, any act of the Registrar could be challenged in a court of law and the Registrar was not permitted by law to revoke the registration of a union without prior permission from the labour court. He did not agree with the observation made by the Committee of Experts that the procedure of supervision by the Registrar of trade union financial affairs should be subject to review by the competent judicial authority affording guarantees of impartiality and objectivity, since any act of the Registrar could already be challenged in a court of law. Moreover, the constitution of a union at the time of its union's registration was always respected.

The Government representative added that the requirement that the membership of a trade union should consist of 30 per cent of the total number of workers concerned before it could be registered was necessary in view of the country's level of social, economic and political development. This measure helped to check the multiplicity of trade unions, which would affect adversely the interests of the workers. Under the existing provisions, up to three unions could be registered for each establishment. Moreover, the IRO included provisions governing the determination of collective bargaining agents. He did not consider that the 30 per cent requirement restricted the right of workers to organize. However, measures adapted to the situation might be taken in the near future. In this connection, he pointed out that Convention No. 87 did not address specifically the danger of a multiplicity of trade unions, but was concerned that workers should be free to establish organizations of their own choosing. If they formed too many organizations, they would weaken their position.

On the question of the right to organize of workers in export processing zones (EPZs), he stated that these workers were not deprived of their fundamental right of freedom of association as guaranteed under Article 38 of the Constitution. In the same way as other developing and less developing countries which were establishing EPZs for the purposes of economic development, Bangladesh had suspended the right to form trade unions in EPZs as a purely temporary measure under the Industrial Relations Ordinance 1969. Indeed, workers in EPZs enjoyed better employment and working conditions, higher wages and very congenial labour management relations. The fact that no complaint had yet been received by the Government from any workers' association alleging that workers in EPZs had been deprived of their rights meant that they had accepted the reality of the situation. Any Convention was ratified with some flexibility to suit national conditions and EPZs were being developed in many other Asian countries. Economic development required the establishment of EPZs, but not at the cost of the social and economic welfare of workers. The Government was very much aware of its responsibility towards its citizens.

He added that the Government of Bangladesh had noted the observations of the Committee of Experts concerning restrictions on the right to strike. Although appreciating the observation of the Committee that it was mindful of the difficulties which might arise during an acute national crisis, he recalled that sections 28, 32(2), 32(4), 33(1), 57, 58 and 59 of the IRO had been examined by the National Labour Law Commission (NLLC), whose report was still under study by the Government. He added that the Government of Bangladesh would welcome the technical assistance of the ILO in any field related to the implementation of Convention No. 87.

The Workers' members deplored the fact that, despite the Government's statement in 1995, at the conclusion of which it had undertaken to provide the Committee of Experts with detailed information, little seemed to have been achieved on this subject. The seven questions raised by the Committee of Experts were not new and required the adoption of urgent measures by the Government to bring the situation into greater conformity with the principles of freedom of association. These matters had already been the subject of exhaustive discussion in 1995, in the same way that related problems concerning the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), had been addressed in 1994. In general, the Workers' members regretted that for many years the Committee of Experts had needed to make observations on important matters related to the fundamental principles of freedom of association. In 1994 and 1995, the Government of Bangladesh had referred to the discussions held in its tripartite national commission. It appeared that this body had submitted recommendations on several points, a number of which were contained in a Bill to amend the legislation, which had not yet been adopted. Most of the criticisms of the Committee of Experts in the case of Bangladesh concerned matters that needed to be respected by every country, irrespective of its level of social and economic development. These matters were also related to the campaign of the Director-General to promote the ratification and application of fundamental Conventions. The Workers' members were aware of the economic and social difficulties confronting Bangladesh.

Better collaboration between the public authorities and civil society, including the organizations of workers and employers, would contribute to combating poverty and social exclusion and could promote social justice and peace. Indeed, many of the problems relating to the application of the Convention had their roots in the tension between the public authorities and civil society in Bangladesh. With regard to the specific comments made by the Committee of Experts, the Workers' members regretted that the Government's report contained little relevant information on the right to organize of persons carrying out managerial or administrative functions, or of public servants. The Government referred laconically to the existence of two associations for public servants in the public sector and referred to other associations without mentioning them by name. Furthermore, the report did not contain information on the provisions guaranteeing the right to organize of managerial staff in the private sector. The Workers' members emphasized that this category of worker should be guaranteed the right to establish and join organizations of their own choosing, including the trade unions that covered other categories of workers. The concept of managerial functions needed to be defined precisely so as not to weaken the trade unions of other workers.

With regard to interference by the public authorities in the establishment and functioning of trade unions, they noted that the problems raised were of a serious nature and related to restrictions on the categories of persons who could hold trade union office, interference by the public authorities in the internal affairs of trade unions and excessive limitations on the establishment and operation of trade unions at the enterprise level.

With regard to external control, they regretted that the information provided to the Committee of Experts was insufficient to establish whether such control was limited to supervising the rules of trade unions and the application of the law, or whether such matters were subject to really impartial judicial control.

On the subject of the requirement for the membership of a trade union to include 30 per cent of the workers in an enterprise before it could be registered, they warned that this threshold raised serious problems in systems for the recognition of trade union organizations which were based in part or in whole on enterprise unions, with the risk that workers in small- and medium-sized enterprises would be excluded. They therefore emphasized the need to establish without delay procedures and provisions which promoted freedom of association, as set out in the Preamble to the ILO Constitution and in the Convention.

On the question of EPZs, they noted that the Government referred to the recommendations of the National Labour Law Commission (NLLC) and to a Bill and the fact that, anticipating certain amendments to the legislation, some workers appeared to be authorized to establish trade unions. Workers in EPZs and their organizations needed guarantees set out in specific legal provisions for the effective exercise of freedom of association. The protection of the rights of these workers was a major concern of national and international trade union movements and of the ILO, which had established a specific programme on this subject.

Furthermore, with regard to the right to strike, the procedures and provisions governing the exercise of the right to strike were such that, in practice, the very principle of the right to strike was jeopardized. They recalled the conclusions of the Conference Committee in 1995, which urged the Government to ensure that the procedures and provisions concerning strikes did not amount to a denial of this fundamental right, and they deplored the fact that the Government's response was confined to stating that it had noted the observations of the Committee of Experts. The powers of the Government to prohibit the right to strike, if it considered it contrary to the national interest, constituted a violation of the principles of freedom of association and were inadmissible in a democratic society. The national legislation reflected the gap between civil society and the public authorities. However, better collaboration between them could promote social peace and the emergence of a more stable industrial relations system.

In conclusion, the Workers' members called for the amendment as soon as possible of the Labour Code and other relevant laws to take into account all of the observations of the Committee of Experts and the recommendations of the national social partners. They urged the Government to provide detailed information to the Committee of Experts on all developments, and particularly on the work of the NLLC and any progress achieved in law and in practice. Finally, the Government should make as much use as possible of ILO technical assistance.

The Employers' members recalled that the application of Convention No. 87 by Bangladesh had been examined on three occasions during the 1990s by the Committee of Experts, and had been discussed by the Conference Committee in 1995. There were a number of important issues involved, which required individual examination.

With regard to the right of association of persons carrying out managerial and administrative functions in the public and private sectors, the important point was the manner in which these categories of persons were delimited. No specific information had been provided on this point by the Government representative. However, the Government's response to the comments of the Committee of Experts had made reference to two associations and the Committee of Experts in its comments had requested the Government to provide specific information on the number and size of any other such associations. The issue which arose in both the private and the public sector was that the persons in question might in practice be the representatives of employers. They could not therefore be members of unions at the same time, as they would then have to negotiate with themselves. The Government representative had stated that the category of persons concerned covered two per cent of all the workers involved, which appeared to be a reasonable number. Although those who were really managerial personnel could be excluded from the right to establish and join workers' unions, any who did not come into this category should be treated as normal workers. The Government should therefore be requested to provide further information on this point in an additional report.

With regard to the right of public servants to organize, the Employers' members noted that the draft Labour Code would appear to continue to deny this right to public servants and to restrict their right to issue publications. The Government representative had not provided very much information in this respect on whether it intended to change the proposed provisions.

On the subject of restrictions on the range of persons who could hold trade union office, the Employers' members noted that, among others, workers who were dismissed for misconduct could not hold such office. The Government representative had stated that this measure was designed to protect the activities of the trade unions. However, the Committee of Experts had pointed out that such legislation entailed a risk of interference by employers. The Committee of Experts had rightly requested the amendment of the relevant provisions to provide for greater flexibility in relation to the membership of trade unions and the holding of trade union office. What was required was a legal examination of the cases which had occurred in this respect, but the Committee of Experts had not requested more complete information on this point.

On the question of external supervision of the activities of trade unions, the Employers' members noted that the Registrar of Trade Unions enjoyed excessively broad powers, which included the right to examine many kinds of documents at any time, and not just on a periodical basis. In such cases there should be proper independent procedures to prevent any undue interference in the activities of trade unions. The Government representative had stated that such machinery existed. The Government should therefore be requested to provide additional information on the applicable provisions which determined and restricted the powers of the Registrar and provided for independent supervision of his activities.

With regard to the 30 per cent requirement, under which no trade union could be registered unless it had a minimum membership of 30 per cent of the total number of workers employed in the establishment or group of establishments concerned, the Employers' members noted that the status of trade unions could be withdrawn when membership fell below that level. This was an exaggerated restriction by the State which placed too great a restriction on freedom of association and prevented the creation of new trade union organizations. It was important to remember that most workers' organizations had started out with few members. Although the Convention did not contain specific provisions in this respect and it was for the State to set the necessary conditions, these conditions should not constitute obstacles to the development of new trade unions.

Turning to the question of export processing zones (EPZs), which existed in many countries, the Committee of Experts had reported that the NLLC had submitted a report on this subject which was being studied by the Government. This report, and a Bill on that matter, would be submitted to Parliament. Although the Government representative had not provided further details on the NLLC's report, he had claimed that workers in EPZs enjoyed better conditions of work than the rest of the country's workforce and were not unhappy with their situation. Although the Convention did not state that the same labour law had to apply throughout a country, or particularly in EPZs, it did require the observance of the principles of freedom of association on a nationwide basis.

Turning to the comments of the Committee of Experts on restrictions on the right to strike in Bangladesh, the Employers' members referred to their own position on this question and noted that there was no basis in the Convention for measuring the extent of any restrictions that were imposed on this right. The provisions of the Convention would be infringed where the right to strike was constrained to such an extent that it no longer existed. The Employers' members recalled that strikes could have serious repercussions on the national economy, particularly in view of the growing interdependence of the productive and service sectors. It was therefore relatively frequent for governments to establish a certain threshold for the proportion of the workers who needed to give prior approval to the calling of a strike in order to prevent disruption of the productive process. In this case, the level was set at three quarters of the workers concerned, which seemed reasonable. The Committee of Experts had also referred to the possibility of prohibiting a strike if it were considered prejudicial to the national interest or where it involved a public utility service. The Employers' members recognized that these expressions were not clear. However, the comments of the Committee of Experts were based on its narrow interpretation of the essential services. The Government should be requested to provide further information on the application of the relevant legal provisions in practice and the cases, and circumstances, in which these provisions had been invoked. However, this had not been done in the report of the Committee of Experts. The Employers' members recalled in this respect that it was the fundamental right of every State to determine the extent to which certain limits should be applied to the right to strike for the public good.

In view of the complexity and large number of issues involved, it was not possible to arrive at conclusions, in this case, easily. Further information should therefore be requested in the form of a written report that covered all of the questions raised in detail. The Government should also specify the areas in which change was seriously being contemplated so that these points could be taken up in future and the changes adopted could be evaluated.

The Workers' member of Burkina Faso recalled that, for many years, the Conference Committee and the Committee of Experts had asked Bangladesh to modify its legislation and practice to conform fully to the principles of freedom of association. She regretted that, despite these appeals, numerous and grave violations of these principles had again been committed, including acts of violence against the members and leaders of trade unions. By way of example, she stated that the Independent Union of Textile Workers of Bangladesh and its members, the large majority of which were women, had been the target of acts of aggression on the part of the public authorities. In August 1995, the leaders of this union had filed a complaint with the investigating official, but it had not been received. Following the institution of judicial action in conjunction with the Association of Exporters of Bangladesh, the Dhaka headquarters of this union had been ransacked in November 1995 and the members had been subjected to violence. Furthermore, the members and leaders of a union of a textiles enterprise in Dhaka had been the target of threats and harassments by the public authorities throughout 1995 and 1996. In the month of June 1996, the competent authority had refused, for the second time, to officially register this union. The speaker noted with concern that, generally, when workers registered complaints with the competent public authorities, they were not listened to and did not get any cooperation in finding an acceptable solution for the problems they faced. She regretted that the Government's report did not provide any information on the measures taken in this regard since the last report examined by the Committee in 1995. Finally, concerning export processing zones, she stressed the importance of these workers, the great majority of which were women working in miserable conditions, benefitting from the right to organize without restrictions or discrimination of any kind. She highly doubted that the absence of complaints by these workers effectively signified that they did not have any complaints, as the Government had indicated. Finally, she earnestly requested the Government of Bangladesh to modify without delay its law and practice in order to bring them into full conformity with the principles of freedom of association, and in particular with the provisions of the Convention.

The Workers' member of the United States emphasized the serious nature of the case, which concerned many of the most fundamental provisions of the Convention, including the right of association of public servants, the denial of the right to organize in EPZs, restrictions on persons who could hold trade union office, interference by public authorities in the affairs of trade unions and excessive restrictions on the right to strike. He therefore regretted that the Government representative had said very little that was new since the Committee had last reviewed the case in 1995. With reference to the statement by the Workers' member of Burkina Faso concerning the continued violation of the Convention with regard to workers in the garment industry, he recalled that there were over 800,000 workers in the industry, approximately 80 per cent of whom were women. Many garment factories were located in EPZs, where trade unions were illegal. The Government representative had made no apologies for this fact and indeed appeared to be informing the Committee that the practice would continue. This matter would need to be followed very closely.

The speaker added that during the past few years there had been a courageous effort to organize independent unions in garment factories and to bring those workplace unions into a single industrial federation, the Bangladesh Independent Garment Union (BIGU), which was independent of any political party, employers and the Government. This attempt to organize an independent, democratic industrial federation from the ground up would, if successful, be of truly historic significance for Bangladeshi workers. However, up to now the Government had refused to legally recognize BIGU, in clear violation of the Convention. He noted that this effort to organize the workers had coincided with the negotiation of an agreement with the Bangladesh Garment Manufacturers and Exporters Association (BGMEA) for the elimination of child labour in the garment industry. The ILO had played a role in bringing about the agreement and in its implementation. BIGU was an ardent supporter of the agreement and had established the first schools for the children rescued from the garment factories. However, there were many forces in Bangladesh endeavouring to ensure that BIGU's organizing effort would fail. Some of the many personal sacrifices made by the workers in this respect were recorded in the ICFTU *1997 Annual Survey of Violations of Trade Union Rights*. In particular, he pointed out that the garment industry was a major exporter producing largely for well-known multinational companies based in the United States and other countries. This case brought to light the responsibilities, not only of the Bangladeshi Government and factory operators, but also of multinational enterprises to ensure that the fundamental human rights contained in ILO Conventions were respected. Any denial of this responsibility would only strengthen the growing forces that were opposed to the expansion of international trade, economic integration and globalization. Full implementation of the Convention by the Government, with the active support and assistance of multinational enterprises, would play an important role in resisting such protectionist forces and ensuring that these processes benefitted as many people as possible in Bangladesh and elsewhere, and not just the most privileged. Unfortunately, much still needed to be done in this respect, as shown by this case.

The Workers' member of India agreed that the case raised matters of serious concern. As a neighbour of Bangladesh, he received constant reports that trade union rights were not respected in that country. Although the Government representative had stated that trade unions could go to court to protect their rights, this was not always possible in practice. He referred to a case of the dismissal of workers in 1996, in which the workers concerned had endeavoured to take action through the courts. However, the trade union representatives who had assisted them had been told to leave their jobs, been beaten up and offered different jobs on condition that they did not go to court. It was therefore not true to say that workers and their representatives could obtain protection for their rights through the courts in Bangladesh.

Recalling the statement of the Government representative concerning the right of association of public servants, he warned that this statement raised the issue of the difference between trade unions and associations. The latter did not have the same rights as trade unions and it could not therefore be claimed that public servants in Bangladesh enjoyed the right to freedom of association. On the issue of the 30 per cent minimum requirement for membership of a trade union before it could be registered, he pointed out that this level was set much lower in most other countries. Although the Government representative claimed that the reason for the measure was to prevent a multiplicity of unions, its real objective was to raise obstacles to the establishment of trade unions in general. Moreover, the situation in EPZs in Bangladesh was also very serious. The message disseminated to multinational enterprises by the national authority responsible for promoting these zones emphasized the fact that the law prohibited the formation of trade unions. This was proof enough that the Government did not respect the right to freedom of association or collective bargaining in EPZs. Another anti-trade union measure that was not accepted by the trade unions of other countries was the broad powers of the Registrar to interfere with their activities through inspections of trade union offices, documents and staff.

On the question of the range of persons who could hold office in trade unions, he noted that workers could be dismissed for unfair labour practices, without such practices being specified in detail in the legislation. This gave the Government broad powers, for example, to dismiss trade union leaders when it so wished. Other serious constraints on freedom of association were the requirement that 75 per cent of the workers concerned needed to give their consent to a strike and the possibility of prohibiting strikes either which lasted more than 30 days or which were considered prejudicial to the national interest. These measures constituted serious constraints on trade union rights and gave the Government wide powers to prohibit strikes. For example, it had been possible for the Government to prevent a strike by telephone workers by claiming that they worked in an essential service.

Although the Prime Minister of the country had come out in favour of the adoption of changes in these matters, no concrete action had yet been taken. It was necessary to amend the legal provisions and for measures to be taken with the support of workers' organizations. A request should therefore be made to the Government to take the necessary measures to achieve progress in the application of all aspects of the Convention before the Conference Committee met again next year.

The Workers' member of Greece considered that this was an example among others where a ratification of a Convention was of doubtful value as it was forgotten in practice. The content of the Committee of Experts' observation highlighted a strange concern for workers, who were mature adults who should be allowed freely to organize themselves. The explanation according to which workers could be fired for misconduct should be further clarified, as it would be a cause for concern if the right to determine what constituted misconduct rested in the hands of employers or of a governmental institution and not in the hands of the judiciary. In any event, the workers were not so stupid as to elect dishonest leaders. This provision should therefore be repealed. As regards the requirement of a three-quarters consenting majority to declare a strike, it constituted a blatant example of interference. The economic situation was often invoked as a reason for not applying standards, while experience showed that no country could prosper without respecting them. If the Government really was intent on applying the Convention, it should undertake to do so and this Committee would then, next year, be able to take note of any progress made. The dialogue in this Committee should not only be diplomatic in nature, but should give a voice to the workers not present here and who were unable to make themselves heard in their own country.

The Workers' member of Italy was of the opinion that, in spite of the sparse responses provided by the Government, the seven points raised by the Committee of Experts bore witness to a general and persistent violation of freedom of association. The provisions affected the right of the unions freely to choose their leaders and allowed for unjustified forms of intervention by the authorities on trade union premises. A complaint concerning violation of freedom of association submitted by a union of textile workers had resulted in severe conclusions by the Committee on Freedom of Association in this respect. The 30 per cent requirement amounted, in practice, to a bar to recruitment of new trade union members. Furthermore, the Industrial Relations Ordinance, 1969, permitted the firing of trade union leaders. As regards the denial of the right to organize in export processing zones, it should be recalled that, in 1992, the Government undertook to cease this practice. As for the restrictions on the right to strike in essential services, they should be determined through tripartite negotiations and not in an authoritarian way. The elections held last year bore witness to the will of this country to progress towards democracy. No such progress was possible, however, in the absence of respect for fundamental rights. The first stages of the joint programme between textile workers, UNICEF and the ILO to abolish child labour were encouraging; perhaps a similar type of programme could be of assistance to overcoming the obstacles to freedom of association.

The Workers' member of Colombia expressed his concern regarding the lack of information provided by the Government representative, especially since hopes had been raised that the principles of freedom of association would be fully respected. Concerns had been raised regarding the interference of the Government in the internal affairs of trade unions, particularly in the case of workers dismissed on grounds of misconduct who were then prevented from holding office in trade unions. In certain countries being a trade union member in itself can lead to unjust dismissal. Freedom of association and the right to strike had to be guaranteed in export processing zones, as well as in the public sector. These rights had to be respected throughout the world, and especially in developing countries. Despite the observations formulated by the Committee of Experts, there had been little progress and repression continued. He could only hope that next year would bring about genuine progress concerning the respect of workers' rights.

The Workers' member of Pakistan, pointing out that a new Government which had come into power last year had committed itself to respecting freedom of association, called upon the Government representatives to adhere to Convention No. 87. It was not only the ratification of a Convention but its implementation in letter and spirit that mattered. First of all, trade union rights in export processing zones as well as in rural areas needed to be respected. Secondly, the restrictions on trade unions to elect their office-bearers needed to be abolished, since freedom of association dictated that trade unions elect their representatives in full freedom without interference from the Government. As a result, section 7-A(1)(b) of the Industrial Relations Ordinance, 1969 (IRO), needed to be repealed. Finally, the requirement under the IRO that no trade union may be registered unless it had a minimum membership of 30 per cent of the workforce meant that it would be difficult to organize workers in a large establishment, and therefore needed to be removed. He hoped that the Government would take up the offer of technical assistance of the Office.

The Employers' member of India indicated that labour laws in Bangladesh and India were similar. Thus, while the Trade Union Act in India merely required a membership of seven workers to form a union, persons carrying out managerial and supervisory functions preferred to form associations, and be registered under the Societies Act, in view of the nature of their functions. Therefore, in Bangladesh, the restrictions placed on them under the IRO were justified. Similarly, the restrictions on the range of persons who could hold trade union office were justified so that the internal trade union leadership could grow. The 30 per cent requirement under the IRO had to be maintained so as to avoid the proliferation of trade unions which were neither in the interest of the industry, nor the workers. Finally, the right to strike was not an absolute right and should be subject to the interests of the State. The type of over-protective pro-worker regulation promoted in discussions here was eroding employers' rights to manage their enterprises; he hoped that this Committee would have a balanced view and keep in mind the entire industrial relations scenario.

The Employers' members recalled that the seven points which were taken up by the Committee of Experts did not all have the same importance and that new information was required and that the necessary changes should be carried out.

The Committee noted the statement of the Government representative and the debate which had ensued. It observed that, for many years, important and numerous discrepancies, in particular in the export processing zones, existed between, on the one hand, the national legislation and practice and, on the other hand, the provisions of the Convention. The Committee expressed the hope that the National Labour Legislation Commission would rapidly conclude its work on revising the labour legislation and that the new Labour Code would take into account the numerous and repeated observations of the Committee of Experts and also those of the Conference Committee. It reminded the Government of the possibility of requesting technical assistance from the Office in this regard.

Belarus (ratification: 1956). A Government representative, the Minister of Labour, stressed that his country was resolutely pursuing the course of democratic reform. During recent years practical efforts had been made at all levels — national, local and industry level — to improve interaction between state bodies, trade unions and employers' associations, to strengthen their role in the reform process and to guarantee constitutional rights. It was only through collective efforts based on the relationship of true social partnership that the country could solve its problems of the transitional period. However, the solutions to these acute problems were not always achieved in the manner corresponding to the letter and the spirit of international law, as the present case showed. He considered his task not to defend the necessity of the action which had taken place nearly two years ago, but to show that the ILO's comments on the matter had given rise to appropriate action being taken by those directly responsible for the application of international law. The best proof of this was that no such incidents had occurred subsequently. At present, there were 38 trade unions registered and exercising activities at the central level as well as many other trade unions which were registered and acted at the level of enterprises, all of which considered themselves free, independent and democratic. This proved that freedom of association and trade union rights, as specified by the Convention, were applied fully in legislation and in practice. With respect to the problems raised, all of them were already settled. It only remained to amend the decision of the Council of Ministers No. 158 of 28 March 1995 so as to exclude the transport sector from the list of essential services where strikes were forbidden. The draft of these amendments was currently being considered by the Government and was expected to be adopted during 1997. He stressed that tripartism in Belarus was still very young and prone to conflicts. However, the importance of the social partnership was fully recognized by the Government as demonstrated by its adoption, in consultation with the central level trade unions and employers' associations, of the concept of the system of social partnership, which had been given the status of a constitutional principle by being recognized in article 14 of the national Constitution. He asked the ILO to consider the possibility of providing consultative and technical assistance on a number of questions including the improvement of the social partnership system and on the final draft of the Labour Code which had already been elaborated initially with the assistance of the Office. Expressing his gratitude for this assistance, and for the two technical projects under way, he pointed out that the present case was the first one ever considered by the Committee with respect to Belarus. This procedure would be a good lesson to his Government to ensure that no such situation arose in the future. In conclusion, he promised that the Office would be informed in writing of progress achieved.

The Workers' members thanked the Government representative for his explanations and noted that this was indeed the first time that the Committee had addressed the application of the Convention by Belarus. This might have encouraged understanding toward the Government, but such an approach was not appropriate in this case given the nature of the Committee of Experts' observation and the numerous complaints presented to the Committee on Freedom of Association in 1995 by the World Confederation of Labour (WCL) and the International Confederation of Free Trade Unions (ICFTU), which could give the impression of a return to the worst totalitarian years. This case demonstrated an intention to prevent the existence of an independent and democratic trade union movement, and deliberate violation of Conventions, constitutional provisions and national laws, with anti-union aims in mind. It therefore called for a firm approach and great scrutiny. Such severity, which might appear excessive, was in fact fully justified by a reading of Case No. 1849, examined by the Committee on Freedom of Association in March 1996. The facts were: suspension by Decree No. 336 of 21 August 1995 of the activities of the Free Trade Union of Belarus (SFB) and its local affiliate; the arrest and detention of union leaders and members; imprisonment of union leaders in violation of the regular judicial procedures; raids on union offices and property; strike-breaking action; dismissal of unionists for participating in strikes; threats to open new court investigations with the imposition of heavy fines or imprisonment; limitations on the participation in union activities abroad. These were the serious violations of Article 4 of the Convention addressed in the Committee of Experts' observation, which highlighted the cynicism with which the Government got around even the spirit of the Convention by turning it into an anti-union weapon and prohibiting the right to strike in the transport sector. None the less, as the Committee of Experts had stated, the transport sector as a whole could not be considered an essential service which would justify banning the right to strike. The Workers' members could only stress the need to modify Decree No. 158 of 28 March 1995 so as to remove the transport sector from the list of essential services. The Minister of Labour had stated that this change to the law was under way: it was necessary for the Government to send a report so that the Committee of Experts could assess the situation. The situation was even more worrying because the Government had limited itself to evasive replies to the concrete violations identified by the Committee on Freedom of Association and the Committee of Experts. A dangerous, anti-democratic logic was at work when the laws were adapted to violations and, through this, power was derived to manipulate institutions so as to obtain desired decisions, as was still the case for the Constitutional Court. It was clear that none of the judicial, institutional or political bodies would be able to provide minimum guarantees for the respect of Conventions. Therefore, it was indispensable that the Government furnish the detailed report requested by the Committee of Experts and that it prove that it was able to guarantee all trade union rights and freedoms in an appropriate political and institutional atmosphere, notably so as to ensure an end to the administrative dissolution of unions, and to remove obstacles to the right of unions freely to formulate their programmes of action without interference from the public authorities.

The Employers' members considered that the case raised a series of problems, in law and in practice. The dissolution of unions by administrative decree clearly violated the Convention. It was essential that the Committee of Experts had information at its disposal on judicial decisions in this regard. The complaint examined by the Committee on Freedom of Association also concerned a serious violation of the Convention. The present case raised the question as to whether the situation could be considered a strike when wages were not payed or were delayed: under civil law it would not be considered a strike to cease work when the other party had not fulfilled the terms of the labour contract because it had stopped paying wages. Concerning the question of the right to strike, the Employers' members' position differed from that of the Committee of Experts. It was excessive to consider that the entire transport sector constituted an essential service, the interruption of which would endanger the life, personal safety or health of the population. The definition of essential services should not be subject to negotiations between the social partners; in a democratic State, it was up to the legislature to define the general interest. Finally, the Employers' members shared the impression of the Committee of Experts and the Workers' members that freedom of association was still poorly protected. Improvements in the law and practice were required and the Government should supply a detailed report so as to permit the Committee to re-examine the situation.

The Workers' member of Belarus stated that his organization, the Federation of Trade Unions of Belarus (FPB), had an affiliate directly involved in Case No. 1849 before the Committee on Freedom of Association concerning the strike in the Minsk metro system. The dispute had been caused, as in many other similar conflicts, by the massive violation of the labour legislation and the non-payment of wages. This particular strike had been prohibited and declared illegal by Presidential Decree No. 336 on the grounds that transport was listed as an essential service, where the right to strike was prohibited. The trade union premises were closed, its property seized and leaders detained, and all the workers participating in the strike were fired without the right to reinstatement. The judicial procedure concerning the legality of the right to strike had never been initiated. The Federation of Trade Unions of Belarus (FPB) had recently adopted a declaration concerning the respect of labour and socio-economic rights and had called upon the President, the Government and the Parliament to remove all limitations on the free exercise of trade union activities, and to repeal Decree No. 336 because it was still being used to justify interference in internal trade union affairs. He proposed that the Committee ask the Government to provide a prompt reply concerning its international obligations to respect human and trade union rights.

The Workers' member of Denmark, speaking on behalf of the Nordic Workers' members, deeply regretted that the Government had neglected appeals from the international community to bring its legislation into conformity with the obligations arising from ILO membership. He stressed the importance of fulfilling the principles of freedom of association, and noted the Government's statement that changes may occur. He recalled that the Committee on Freedom of Association had determined that a trade union could not be dissolved or suspended by administrative decision, as had happened after the Minsk metro strike, and that the transport sector should be removed from the list of essential services. He called on the Government to grant workers in the transport sector the rights to strike and to join trade unions without Government interference. A great number of the workers who had been dismissed during the 1995 Minsk strike had still not been reinstated due to the long delay in court procedures. He expressed his deepest sympathy with those fighting for fundamental rights in Belarus and urged the Government to accept the technical assistance of the Office so as to bring the legislation into conformity with its requirements of the Convention.

The Workers' member of New Zealand emphasized that this case was a very serious violation of the Convention, both as concerned the suspension of unions following a transport sector strike, and in relation to breaches of the Convention, noted in the examination of Case No. 1885 by the Committee on Freedom of Association. It also raised an issue of credibility in that, notwithstanding the serious allegations in Case No. 1885, the Government had failed to respond, and had apparently not taken any steps to implement the Committee on Freedom of Association's previous recommendations in Case No. 1849. He noted that the Minister of Labour had confirmed that Order No. 158, adopted by the Cabinet of Ministers in 1995, was still in effect. Therefore, it was up to the present Committee to pursue compliance with the Convention. He recalled the facts of the Committee on Freedom of Association case including the administrative suspension by Decree No. 336 of the Free Trade Union of Belarus (SFB) and the Minsk Branch of the Federation of Trade Unions of Belarus (FPB) following a strike of metro workers which was lawful under the existing law, as well as harassment and media campaigns directed primarily against these unions. The Committee on Freedom of Association and this Committee had repeatedly emphasized that respect for civil liberties, such as freedom of assembly and expression, were essential for the normal exercise of trade union rights. Both had clearly been severely curtailed here. Noting, as the Employers' members had, that one of the issues which had given rise to the transport strikes was late payment of wages, which was in itself a fundamental breach of employment contracts, he questioned whether forcing employees to work without wages was not a contravention of Convention No. 29. It was necessary for the Committee to support the Committee on Freedom of Association, and, noting that the Minister of Labour had asked for technical assistance from the Office, proposed that it accept monitoring of this case.

The Workers' member of Swaziland noted the contradiction between the Government's statements and actions. The suspension of the Free Trade Union of Belarus (SFB) by Decree No. 336 was contrary to Article 4 of the Convention and undermined the democratic right to bargain collectively. Furthermore, the Government flouted the rule of law when it ignored the Constitutional Court ruling that Decree No. 336 was unconstitutional. The denial of the right to strike, the interference in the right to organize and register unions, the denial of the right of assembly, the sending of members of the armed forces to trade union meetings, mass dismissals and interference in shop floor matters all constituted tyranny of the highest order. Consequently, he supported the proposal of the Workers' members regarding the conditions in this case.

The Workers' member of Kazakstan stated that trade unions in all the countries which had emerged from the territories of the ex-USSR hoped that the transition to a market economy would bring with it the establishment of new labour relations between workers and employers, guaranteed by the constitutions and labour legislation in conformity with international labour standards. However, the situation had turned out to be the opposite, with the prohibition of the rights to organize and to strike, the persecution of trade union activists, the violation of their civil liberties and the non-payment of wages. The Government, in violation of the Convention, had tried in this case to suppress the free trade union movement. He considered that the present Committee should express great concern over their situation and the fate facing their leaders, and request the Government to provide in the very near future full information on the measures taken to eliminate all violations of trade union rights.

The Workers' member of Germany noted with deep concern the developments concerning the law and practice in this case. The available information proved the serious violation of basic workers' rights, including the right to strike. It was therefore essential that the Committee of Experts pay particular attention to this case. Significantly, this case showed the importance of defining essential services as narrowly as possible so as to avoid the risk of arbitrariness, in conformity with the jurisprudence of the ILO supervisory bodies. If the Government was really committed to the principle of social partnership, it should not, in practice, threaten the existence of autonomous organizations or the right to strike. It was necessary to insist that the Government amend its law and effectively guarantee freedom of association and the right to strike, in conformity with international law.

The Minister of Labour stated that his Government would draw serious conclusions from this discussion, leading to concrete measures in legislation and practice with a view to ensuring that no such violations of trade union rights could ever be repeated. He recalled, however, that the incidents in question had occurred nearly two years ago and that, since then, there had been no recurrence of such incidents: the trade union concerned had been re-established, registered and was functioning freely. The Government would inform the Committee of Experts in writing of all progress achieved.

The Committee took note of the information supplied by the Minister of Labour, as well as the discussion which ensued. The Committee observed with concern that the Committee on Freedom of Association and the Committee of Experts had referred to serious violations of freedom of association, both in practice and in the law concerning the suspension of unions by administrative authority. The Committee urged the Government to urgently repeal the provisions which established excessive limitations on the right of workers' organizations to formulate their programmes of action without interference by the public authorities. The Committee asked the Government to send a detailed report, indicating the measures taken to bring its law and practice into full conformity with the provisions of the Convention. The Committee hoped to be able to note substantial progress when the case was next examined.

Bolivia (ratification: 1965). A Government representative stated that, in effect, a problem of interpretation existed between the Convention and the labour legislation in his country. To overcome this problem, an agreement with the Bolivian Central of Workers (COB) had been signed in May 1997 to form a committee to study the correct interpretation concerning freedom of association. The Government requested the presence of ILO technical experts to assist in overcoming the problems concerning freedom of association.

The political Constitution of the State guaranteed freedom of association. The existing problems raised could be solved within the existing legal framework through the Ministry of Labour. In certain cases, the Bolivian Central of Workers had refused to recognize the freedom of a worker to participate or not participate in a union or to have more than one union per enterprise. In any case, it was hoped that the assistance and cooperation of the ILO would help arrive at a single and correct interpretation and application of the Convention within the framework of the agreement with the COB.

The Workers' members recalled that since 1967 the Committee of Experts had revealed frequent and serious divergencies between the national legislation and the Convention. In 1993 and in 1995, the present Committee had discussed this case in depth. The 11 points set out in the observation of the Committee of Experts demonstrated a manifest interference by the public authorities in the internal affairs and functioning of trade unions. Rather than establishing a framework for the proper functioning of a system of industrial relations, national legislation and practice aimed at hindering its creation. In 1993, the Employers' members had expressed certain hesitations concerning points 8 to 11 concerning the right to strike. The Workers' members were, for their part, convinced that the restrictions imposed relating to the right to strike and the general structure of the legislation violated freedom of association and the right to organize. The Workers' members shared the view of the Committee of Experts as expressed in points 8 to 11 of their observation.

During the emergency in 1995, the authorities proceeded to arrest trade unionists. These events led to the lodging of a complaint to the Committee on Freedom of Association. That Committee deplored the action taken by the Government against the trade union movement and requested it to reinstate the rights of all those concerned and to eliminate all effects of the state of emergency for the workers concerned. However, the Government had not submitted a report for examination by the Committee of Experts. It had not honoured the undertakings it had made in 1995 to bring national legislation into conformity with the Convention, in consultation with employers' and workers' organizations. In 1993, the Government had announced the imminent adoption of a new labour law which would satisfy some of the remarks made by the Committee of Experts. But those commitments had not been honoured. This inertia was unacceptable. The Government had not shown cooperation and the Committee on Freedom of Association had to examine this case in the absence of any clarification from the Government.

The total absence of any progress in this case was deeply disturbing. The Government had not honoured any of the undertakings it had made to the Conference Committee; it had not cooperated with the ILO in spite of having had the possibility to receive technical cooperation; as concerned those sanctioned during the state of emergency, it had not provided any information as to whether they had been reinstated in their jobs and in their trade union activities. These elements justified the sending of a direct contacts mission. If the Government was not in a position to request such a mission, this would be yet another demonstration of the total lack of any will to cooperate, and would call for this Committee to mention the case in a special paragraph of its report.

The Employers' members referred to the Government representative's statement on arrangements reached with the trade union concerning the interpretation of the Convention and found this to be very surprising since this case had been discussed several times on previous occasions. The Government representative had added that certain provisions commented on by the Experts were not applied in practice. There was no real new information. Out of the 11 points enumerated by the Committee of Experts in its observation, the first seven constituted clear violations of the Convention. The Employers' members could not come to the same conclusions as the Committee of Experts with regard to the other four points. The legislative requirement for a majority of three-quarters of the workers to declare a strike was reasonable and democratic. The prohibition on strike action in certain public services and the ban on general strikes showed that the public good prevailed over individual interests. However, urgent action needed to be taken by the Government on the former points. Since the Government was not taking any initiative in this matter, ILO technical assistance or even a direct contacts mission was desirable.

The Workers' member of Argentina stated that this was a serious case that should be viewed in the context of the previous examinations made of the matter by the Conference Committee and the Committee of Experts. The Government had made promises which it did not keep, and compounded the problem with the failure to send a report for examination by the Committee of Experts. The Government of Bolivia resorted to a state of emergency, to the negation of social dialogue, and to the mass detention and confinement of union leaders. In an era of globalization, such anti-union action could spread to other countries, as was already happening in Latin America. In Bolivia, there was a regression of social and union rights: workers and their organizations faced policies which sought to eliminate acquired rights, until workers' organizations disappeared. He considered this a violation of democracy and thought that the Committee should request the Government to commit to improving the application of this fundamental ILO Convention. Such progress would benefit the workers of Bolivia as well as those in MERCOSUR.

The Workers' member of Colombia stated that the Convention, ratified 34 years ago, was a dead letter in Bolivia. The international community and the ILO were aware of the difficulties which the Bolivian unions faced. The Government should adopt pertinent measures to harmonize its legislation with the Convention. In the current situation, it appeared that even an elected government would not solve the persistent problems of freedom of association. The speaker expressed his hope that the request for the technical assistance of the ILO would attain concrete results.

The Workers' member of Iceland, who spoke on behalf of the Workers' members of the Nordic countries, asserted that although Bolivia had been a Member of the ILO from the beginning, this case was by no means a new one. During the 1980s, this case had been addressed by the Committee of Experts in 1981, 1982, 1983 and 1985. In 1985, the Government had stated in its report that in preparing and drafting the General Labour Bill, it had taken account of the discrepancies existing between the national legislation and the Convention. However, since 1985 this case had been examined by the Committee of Experts every other year and the Government still had done nothing.

While individual States did have the right to establish a minimum number of regulations to ensure that trade unions functioned normally, this did not mean, as had been pointed out by the Committee of Experts, that the Government could place excessive restrictions on their establishment and functioning through detailed legislation. The purpose of Convention No. 87 was to protect trade unions against undue government intervention.

In view of the numerous comments by the Committee of Experts on the various violations of the Convention, he wondered why Bolivia had ratified Convention No. 87 in the first place. The Committee did not seem to be able to note any progress, despite its longstanding and extensive handling of the case and its repeated requests to the Government for change. Recent information showed that violations of the Convention vis-à-vis the Bolivian trade union movement continued. These included the violent repression of demonstrations by the security forces, as well as the arrest, detention without trial and torture of trade unionists. However, the Government did not see these and other violations of the Convention as a serious problem, as it appeared from the Government representative's statement. In view of the fact that the Government had shown such a lack of respect for the obligations that it had undertaken voluntarily, the speaker insisted that the Government receive a direct contacts mission so that it could obtain the assistance clearly needed in order to ensure compliance with the provisions of Convention No. 87.

The Employers' member of Bolivia recognized, as the Committee of Experts' report noted, that a certain formal basis existed to question the relationship of the legislation to the Convention. None the less, it was important to dispel the impression that a sinister oppression of unions existed in Bolivia. The truth was that the majority of legal provisions examined by the Experts — like many others — were obsolete and too caustic and rigid. These obsolete standards were not applied, which ensured in practice freedom of association. Certain of these provisions noted by the Experts were in force due to the desire of the workers, for example, the impossibility that existed for more than one union per enterprise. He referred to some provisions that were obsolete. The national legislation provided for the existence of a union protection (which required judicial approval prior to dismissal of a union leader). He added that, in practice, general or solidarity strikes did not result in the confinement of the leaders. Also, there were cases of enterprises with more than one union.

The speaker recalled the efforts of 1985 and 1986 to reform the General Labour Law, with the technical assistance of the ILO. None the less, the lack of tripartite consensus prevented the Government from promulgating new legislation. In reality, the employers hoped that modern reforms would be adopted which would be in full conformity with the Convention and would eliminate the existing rigidities.

The Government representative stated that he had taken note of the previous interventions and reiterated his previous statements. He was obliged to cast aside the over-exaggerated impression of the violations of social peace in his country. On the contrary, the Government intended to promote a reform of the labour legislation, in agreement with the social partners. The labour legislation dated from 1939, and since then more than 4,200 resolutions and modifications had been adopted, which had created significant inconsistencies. It was due only to a lack of resolve of the Bolivian Central of Workers that the reform of the labour legislation had not been achieved.

The speaker recalled that in 1996, with the assistance of the ILO Regional Office and the Inter-American Development Bank, a social dialogue was begun with the participation of workers' and employers' representatives. The Bolivian Central of Workers attended only one session. It should be recalled that no union leaders remained in detention or confinement, and that all had been reinstated in their jobs. Furthermore, the state of emergency ended in 1995, but such measures were necessary to counter subversive activity which threatened civil order and were within the constitutional framework. It was appropriate to urge the COB to work with the Government to improve the current situation. The existence of 257 strikes, 425 shut-downs, and three general strikes during 1996 testified to the functioning of freedom of association in his country.

The Workers' members recalled, in order to avoid any misunderstanding, that it was correct that in 1993 the Government representative had made reference to a draft law under preparation with the technical assistance of the ILO. Two years later, however, the Committee of Experts noted that it was "not able to note any progress with regard to the application of the Convention". Now, another two years later, the Committee noted that "it has not received the Government's report". One can only conclude that there was no will to collaborate with the ILO. At the same time, cases had been brought before the Committee on Freedom of Association. The suggestion to have recourse to a direct contacts mission was specifically intended to be able to clarify the situation. It was therefore even more regrettable that the Government representative had not responded specifically to this suggestion.

The Government representative indicated that the Government had already requested a high-level committee to assist in solving the pending problems.

The Employers' members indicated that they had taken note of the most recent statement made by the Government representative which was very new to them. But the progress made appeared not to be sufficient yet. The tripartite committee referred to by the Government representative did not seem to be working. The Government did not seem to know exactly what the requirements of the Convention were. Its lack of cooperation was highlighted by the absence of a report. Therefore the Government needed to receive a direct contacts mission at least in respect of the first seven points enumerated in the observation of the Committee of Experts.

The Committee took note of the information provided by the Government representative as well as the debate which followed. The Committee regretted that, despite the discussions in the Committee in 1993 and 1995, and the assurances which had been given by the Government that a draft law formulated with ILO technical assistance would be enacted in the near future, it had not been enacted. The Committee regretted that the Government had not sent the requested report. The Committee recalled that the restrictions on the right to unionize, including for public officials, should be removed, and urged the Government, as had the Committee on Freedom of Association, to take all necessary measures to eliminate acts of anti-union discrimination. The Committee noted that the Government had declared its intention to request a direct contacts mission to secure concrete advances in harmonizing the national legislation and practice with the provisions of the Convention. The Committee trusted that this mission would take place in the near future and that in the next report the Government would be able to show substantial progress in regard to this fundamental Convention.

Colombia (ratification: 1976). A Government representative stated that he would address two topics which had been raised by the Committee of Experts concerning the application of the Convention by Colombia. First, he would refer to the existence of an "initial draft of a Bill" on essential public services and regulation of the right to strike in those service sectors. Second, he would explain how the Bill modified and derogated certain provisions of the Substantive Labour Code.

In regard to the first point, it should be reiterated that the Government of Colombia had the will to harmonize a text, with participation of the employers' and workers' parties. The Government was aware of the complexity of the topic, especially the legal aspects, which signified a reconsideration of criteria with a long tradition in the legal order of the country. The Government was ready to recommence a participatory process of analysis and debate.

In respect of the second topic, in November 1996, the Government presented to the Congress of the Republic for consideration the above-mentioned Bill, No. 190/96, ratified by the Senate, which modified and derogated approximately ten sections of the Substantive Labour Code. In this manner, the observations of the Committee of Experts had been acknowledged.

One might note that the Committee of Experts had noted with interest the Bill and had expressed its hope that the Government would present it to Congress, which had been done.

The Bill was not an isolated act of the Government, much less a simple announcement for a way to escape criticism in this forum. On the contrary, it was an indication of a government policy oriented toward the promotion and respect of human rights, with special emphasis on the international labour Conventions which Colombia would fulfil.

The speaker also referred to the punishment of social protest and indicated that a committee had been created for the revision of the penal laws and the lifting of summary discretion concerning certain penal processes related to workers. As well, he referred to a Bill on collective bargaining and collective contracts in the public sector, 18 articles of which had been agreed upon by the social partners.

Progress by Colombia on this issue had been notable. It had made advances in fulfilment of its obligations with respect to the ILO. It was worth recalling that Colombia's reports over the years had been subject to the scrutiny of the Organization and the Conventions had been sent for approval to the Congress of the Republic. The Committee of Experts had already cited Colombia in its General Survey on Freedom of Association as a "case of progress" for its advances regarding the Convention.

The Workers' members thanked the Government representative for the information provided orally, and recalled that the case of Colombia had been discussed on several occasions by the Committee, in 1989, 1990, 1991, 1992, 1993 and 1995, and that it had even been mentioned in a special paragraph in 1990. The enhancement of social dialogue announced by the Government at the 1995 session, which had been favourably received, had apparently produced positive results. Based on the report of the freedom of association mission undertaken in October 1996, following the Government's request to the Conference Committee in 1996, and on the report of the Government, the Committee of Experts was able to note with interest that a Bill, prepared with the assistance of the ILO, had been submitted to the Congress of the Republic for approval, which seemed to constitute a positive response to several of the questions raised by the Committee. Furthermore, a preliminary draft of a Bill, on which the Office had made comment, defined the concept of essential public services and regulated the exercise of the right to strike. The Workers' members emphasized that these legislative amendments should be in full conformity with the requirements of the Convention and with the principles of freedom of association, and referred to the observation by the Committee of Experts which specified in detail all the legislative provisions which were being repealed or amended. They expressed their firm hope, as had the Committee of Experts, that the proposed Bills would be submitted to the Congress of the Republic as soon as possible and that the corresponding Acts would be adopted in order to bring the whole legislation into conformity with the Convention and the principles of freedom of association.

In spite of these legislative developments, however, the Workers' members lamented the serious situation in Colombia, notably the prevailing conditions of extreme violence. The testimonies were overwhelming and the list of violations of the principle of freedom of association, in particular of the provisions of the Convention, was endless. According to information obtained from Workers' members, extreme violence was used against persons acting as trade union leaders. They were subjected to attacks on their personal freedom and physical integrity, including assassinations. The assassination of the trade unionist José Leitos, chairman of the CGTD, was a clear example. The report of the mission emphasized that "there is reason to be most concerned by the climate of violence prevailing in the country which affects all sectors but which has grave consequences for trade union leaders and members [...] the number of victims continues to be extraordinarily high and the legal proceedings to examine the facts result in extreme levels of impunity". The Workers' members requested that the Government instantly take the measures necessary for the effective implementation of the legislation under preparation, as the best of laws would remain a dead letter as long as such violent conditions persisted. They concluded by stressing the importance of viewing the instruments of the ILO and the principles contained in the Constitution not as isolated or limited instruments, but rather as components of a necessary and essential interaction. Restating the conclusion of the mission, they underscored that "it was clear that the problem of violence, together with new measures and new financial assistance, could only be efficiently tackled in a larger context of instituting social peace. Social peace must be based on social justice and the progressive elimination of the social conditions which cause injustice, misery and deprivation". They asked the Government to continue to indicate progress on the projected legislative amendments, and to state in detail the measures it envisaged to undertake in order to contain the escalating levels of violence and to create a political and social environment which favoured an effective application of the principles and Conventions of the ILO to which it had subscribed.

The Employers' members thanked the Government representative for the general statement and the important news that he had provided. The Committee had discussed this case on seven occasions since the mid-1980s and had had cause to note the complexity and problematic nature of the situation in Colombia. The observation of the Committee of Experts referred to 11 different points, which showed that up to now there had been a very large degree of state interference in freedom of association and the right to organize. The legal provisions in question had permitted interference in the affairs of trade unions and had placed major restrictions on strikes. Although the Employers' members did not consider that all of the restrictions in question violated the Convention, its principles would undoubtedly be violated if no strikes were possible in practice. The Government representative had referred to a draft Bill amending the Labour Code which appeared to respond to many criticisms that had been made up to now. Although it was for the Committee of Experts to give its view on the final version of the text, the indications were that many of the provisions that had been criticized would be either repealed or amended, with the result that the legislation would be brought either partially or entirely into conformity with the Convention. The Government representative had also stated that further amendments were planned and had provided information on other Bills which were under preparation or had been submitted to Parliament. It was important that any of the draft texts which had not been transmitted to the Office should be sent as soon as possible with a complete report so that the Committee of Experts could give its opinion rapidly.

The Employers' members recalled that, on the occasions that the Conference Committee had examined the case in the past, the response that had always been given focused on the violent situation in Colombia, which pervaded all spheres of life in the country. In this climate of violence, violent acts were perpetrated against individuals and trade unionists, as well as against other categories of the population and against the whole of society. The amendments that had now been submitted, as well as those which were under preparation, would provide a good basis for influencing the climate of violence in a positive manner so as to avoid the circumstances which had been a cause of concern for some time. The Government should report on the latest developments and complete the proposed reforms as soon as possible in order to give effect to the considerable changes that had been announced.

The Workers' member of Colombia stated that there was no doubt about the Government's intentions to harmonize the legislation with the ILO Conventions; but, in this case, a real commitment was needed to fulfil the pledges made. The more open attitude of the Minister of Labour towards solving conflicts in the country should be recognized, but these conflicts were generated by government policies. He emphasized that his main concern was the climate of violence and impunity in which the country struggled. In this context, he condemned the various forms of violence, which involved state terrorism, the repression and violation of human rights by the security forces, and the violent and criminal work of paramilitary organizations, which operated in some places with the tacit approval of the authorities as private militas. In the same manner and with equal emphasis, he condemned the kidnappings, ambushes, and attempts perpetrated by guerrilla groups.

The Government had undertaken, with assistance from the ILO, to harmonize all of the laws with the Convention. None the less, it was near the end of the current legislative session, and the rights to organize, to bargain collectively, and to strike remained limited by law.

He denounced the current imprisonment of the Union of Petrol Workers (USO) on charges of terrorism, based on accusations made by military intelligence bodies. The situation had reached the limits of irregularities, and the Attorney General had initiated investigations against the faceless officers with assumed names who provided the same testimony many times against the petrol union leaders.

The violence which continued affected freedom of association in Colombia in various ways. In 1996, there were 256 assassinations of trade unionists; in 1997, approximately 50 deaths, including the President of the CGTD in Tolima, Mr. José Isidoro Leyton, and trade unionist Victor Julio Garzón, who had participated in the ILO direct contacts mission in October 1996. In 1997, 16 trade unionists had disappeared and several hundred others had been forcibly displaced because of their trade union activities. Threats and intimidation were constant practices, about which the ILO should be concerned.

From 11 to 18 February 1997, a work stoppage was held by public sector workers and, as a result, an agreement was signed with the Government. None the less, due to non-compliance on the part of the Government, the workers were obliged to stop work for 24 hours on 11 June to obtain compliance with the agreement. The Government's response was to deny signing the agreement, which would complicate the situation in the immediate future.

He called on the Government to set out before the Committee the commitments the Government would assume to resolve these problems and suggested it receive an ILO mission, with the goal of closing the cases mentioned.

The Workers' member of Spain deplored the fact that, despite the promises made to the ILO, none of the Bills which had been elaborated had been enacted. He was concerned that the present law permitted the administrative authorities to declare a strike illegal (section 450 of the Substantive Labour Code), in grave violation of the Conventions, and that power to issue such declarations ought to be placed with the judiciary as the clearest expression of freedom of association. He was also concerned by the interference of authorities in the internal affairs of the unions. For example, out of a total of 143 requested modifications of statutes concerning essential issues of freedom of association, 99 were rejected by the administrative authorities. The most grave issue was, none the less, the number of assassinations of union activists: from 1 January to 22 May 1997, 30 union activists were killed, including Victor Julio Garzón and José Giraldo. He observed that in reality, between the guerrillas and the paramilitary forces, trade unionists were fighting for peace.

The Workers' member of the United Kingdom described the unhealthy working conditions endured by Colombian workers, as illustrated by an ICFTU video showing women, including pregnant women, working in greenhouses to produce flowers in the presence of noxious sprays which caused blindness, miscarriages and premature births. Also terrible was the daily loss of life in Colombia, and particularly of the men and women who were active in the trade union movement, who risked their lives to fight for better conditions of work in the country including improved health and safety conditions. The Committee on Freedom of Association had noted that many cases of acts of violence remained unsolved, largely due to the fact that few cases were heard, proceedings were slow and prosecutors could not or dared not carry out investigations because their lives were endangered. Freedom of association could only be exercised in conditions in which fundamental human rights, and particularly those related to human life and personal safety, were fully respected and guaranteed. The killing, disappearance or serious injury of trade union leaders and activists required the institution of independent judicial inquiries and the punishment of the guilty parties. Failure to bring the guilty parties to judgement created a situation of impunity which reinforced the climate of violence and was extremely damaging to the exercise of trade union rights.

She called upon the Government to take urgent action to strengthen the judicial system and hoped that the Commission for the Revision of Penal Standards would set a dynamic pace in addressing the massive problems that it faced. She urged the Government to take the necessary measures to dismantle the paramilitary groups which prevented the normal development of trade union activities in the country. In this respect, the Government could give an important lead by recognizing and protecting the legitimate right of workers to organize in trade unions, which would act as vehicles for the promotion of dialogue and understanding between employers and workers and for the development of a new culture of labour relations. Urgent action was needed to put an end to the killings, which had already cost the lives of too many people.

The Workers' member of Swaziland reminded the Committee that the Government was in serious violation of the Convention and did not appear to place value on the right to life of trade unionists or civilians in general. The case before the Committee showed a very high level of neglect of human and civil rights. Eliminations, assassinations and disappearances were the order of the day and constituted a serious degradation of human values and disrespect for justice, let alone social justice. Fundamental rights, ranging from discrimination on grounds of race and denial of the rights to strike and to free collective bargaining, were being denied. The legal system had become deeply criminalized with those engaging in illegal strikes risking imprisonment for between two and 20 years. In order to prevent strikes, the Government could classify services as essential, at will. Government interference in trade union activities and its arbitrary powers to dissolve trade unions were a gross violation of Article 3 of the Convention. The killing by police-backed death squads of so-called "disposable" persons, who included vagrants, street children and homosexuals, was a further serious contravention of civil and human rights. Social protest was classified as subversive and the response to such acts was usually the use of violence and sometimes the assassination of unarmed civilians. The right of rural workers to shelter had also been violated by the burning down of their houses. Justice and respect for human rights had been undermined with impunity for the arbitrary arrest of trade union leaders, who were brought before military courts. All the measures adopted to remedy the situation needed to guarantee the full protection of the trade union rights set out in the Convention and efforts should be made to improve respect for human and civil rights. He endorsed the call by the Workers' members for the speedy adoption of the proposed legislative changes.

The Government representative expressed his gratitude to all those who were sincerely concerned about the situation of human rights in Colombia. He accepted constructive criticisms and impartial proposals from international bodies, non-governmental organizations, trade unions and employers' associations, which wanted to cooperate with his country in the eradication of these problems. He commended the objective and impartial approach taken by these bodies to raise national and international awareness, as well as those of the human rights bodies of the UN and the ILO; he requested international cooperation, such as had happened last year when a high-level mission of the ILO visited his country in October and when an office of the UN High Commissioner for Human Rights was opened in Colombia.

Regarding violence, his Government condemned the assassination of trade unionists, and any other people, kidnappings, torture and terrorism. He acknowledged that some agents of the State and the military were accused of committing such violations of human rights, but these were exceptions, and not the expression of any Government policy in this respect.

This grave problem of the violation of human rights and international humanitarian law in Colombia was closely related to the internal armed conflict which ravaged the country. This conflict was going on outside the conventional norms and, apart from the guerillas, an important role was played by the criminal circles such as drug traffickers and paramilitary forces. These phenomena were very real, notwithstanding the commitment to the protection and promotion of human rights, which was basic to the state of law and the democratic tradition in his country. His Government had developed a policy aimed at: the humanization of the armed conflict; the strengthening of justice; the elimination of groups of private justice; the consolidation of mechanisms promoting the application of the law; the expansion of the communication network to receive accusations and complaints; the scheme of compensation to the victims whose human rights had been violated (Act No. 288 of 1996); the policy of assistance, with the help of the International Red Cross, to those displaced by violence; the strategy of teaching and sensitizing the community concerning human rights; the creation of a special authority on human rights in the Ministry of the Interior; the opening in Colombia of the Office of the UN High Commissioner for Human Rights which became operative in April 1997.

With respect to the human rights of workers, the Government had created an inter-institutional committee for the promotion and protection of the human rights of workers, composed of five representatives of the central workers' organizations, the chairman of the episcopal conference and the presidents of the two most important non-governmental organizations in Colombia (the Association of Barristers and the Colombian Commission of Jurists). This Committee might eventually invite representatives of the ILO and the Office of the UN High Commissioner for Human Rights to participate. It had vast competence and powers to confront the difficult tasks which it had been assigned. For example, it was charged with collecting information and studying the inquiries on the kidnappings, assassinations, tortures, threats and forced displacement of trade unionists and other workers, to recommend the necessary measures to punish such acts and prevent them from being repeated. It was responsible for presenting to the competent authorities recommendations on investigations to define penal, disciplinary and pecuniary responsibilities. It also had the function to develop an integral programme for protecting the human rights of workers and to carry out a policy to implement, monitor and supervise those rights. To avoid standards becoming a dead letter, the Decree obliged public and private bodies to supply information required for the compliance of the functions mentioned in the Decree. A copy of the Decree would be provided to the Committee.

With respect to some previous interventions which raised issues of impunity and state terrorism, he stated that in Colombia the three powers of the State were independent and that the executive authorities could not order preventive detention as it would violate the Constitution of Colombia. With respect to faceless witnesses, he stated that it was an exceptional measure due to the high level of violence imposed by narc-terrorism and that these faceless witnesses were also used to investigate serious violations against trade unions. As to the allegations concerning abuses committed by faceless witnesses in the judicial processes against the members of the Union Sindical Obrera, he stated that these processes were drawing to a close. In the case of assassination of trade union leaders Messrs. Leyton and Garzón, the ILO's intervention to put pressure on the authorities proved to be very useful in helping to speed up the investigations. With respect to section 450 of the Labour Code, its revision was studied with the ILO mission which visited his country and the text of the modifications would be transmitted in due course. With respect to the registration of trade unions, 83 organizations had been registered as of May 1997. Finally, concerning allegations of violation of freedom of association in the flower-growing sector, the speaker pointed out that there were no complaints in this respect before the supervisory bodies of the ILO.

The Committee noted the information communicated by the Government representative and the debate which followed. The Committee noted the direct contacts mission which had taken place in 1996 and observed that the Government had indicated to the Committee of Experts that it had elaborated a Bill to repeal or modify various dispositions of the Substantive Labour Code which had been criticized by various supervisory bodies. The Committee also observed that the authorities had presented the Bill to the Congress of the Republic during the legislative session. The Committee trusted that the necessary measures to eliminate the discrepancies between the national legislation and Articles 23 and 24 of the Convention would be urgently adopted. The Committee profoundly regretted the climate of violence which affected the life and physical safety of the trade unionists. The Committee expressed the firm hope that, in its next examination of the case, the Committee of Experts would be able to note substantial progress concerning the civil liberties essential for the exercise of union rights, and concerning the full application of the Convention in law and in practice.

Costa Rica (ratification: 1960). The Government representative, the Minister of Labour and Social Security, emphasized that his country fully applied the rule of law and allowed the law courts to decide on any discrepancies which might emerge in its society. The right to strike in Costa Rica had been set out in 1949 in article 61 of the Political Constitution. The provisions of this article showed clearly that the legislator envisaged that the right to strike would be set out in law, in this case in the Labour Code, and that it would have two limitations: in the first place, as to the sectors in which it could be exercised, with the indication that it was prohibited in the public services, the definition of which would be determined by law; and, in the second place, as regards the manner in which it was exercised, with the prohibition of any acts of coercion or violence. Section 364 of the Labour Code provided that a strike was the temporary stoppage of work in an enterprise, establishment or business, agreed upon and executed peacefully by a group of three or more workers, with the exclusive purpose of improving or defending their mutual economic and social interests. This provision was supplemented by section 366 of the Labour Code (first part), which set out the requirements to be met in order to call a legal strike. These included strict compliance with section 364, exhaustion of the conciliation procedure set out in Chapter III, Title VII, Sections 500 and following, of the Labour Code, and the requirement of being at least 60 per cent of the workers in the enterprise, workplace or business concerned. It could therefore be concluded that any strike which did not meet the requirements of section 366 (first part) was illegal. The strike by workers in Linéas Aéras Costaricenses SA (LACSA), which was referred to in the report of the Committee of Experts, did not fulfil the above requirements and was therefore illegal. This was not because it had taken place in a public service, but because when calling the strike the workers had not fulfilled the requirements established by law.

With regard to the right to strike in the public sector in general, article 61 of the Constitution excluded workers employed in the public service from its protection and left the determination of public services to the discretion of the legislator. The constitutional provision was reflected in section 368 (first part) of the Labour Code, which stated that strikes were not permitted in the public services. In this respect, it was important to note that section 368(2), which provided that disputes occurring in these services between employers and workers, and in any other cases in which strikes are prohibited, shall be submitted for settlement by the labour courts, had been found unconstitutional by the Constitutional Council on 23 August 1992. Sections 467 to 535 of the Labour Code had also been declared unconstitutional with regard to public servants and to public administrations not subject to a private employment regime, as well as sections 398 to 404 and section 535, without prejudice to the rights acquired in good faith through the labour courts for the specified duration of such rights. The ruling by the Constitutional Court stated that there were two different types of employment relations in the public service. One of these was the relationship of employees in the public sector who were bound to public administrations by a "public employment regime", under the terms of the state regime set out in articles 190 and 191 of the Political Constitution. The other type of employment relationship was not legally subject to a public employment regime, principally in state enterprises in which the State owned all or most of the shares, with the result that the employees concerned were not governed by the concept of a public employment relationship, but rather a private employment relationship. In one of the grounds for its judgment, the Constitutional Court made reference to these administrations by asserting that the declaration contained in this decision covered the employment relationship between the public administration (or administrations) and its employees but as concerned sectors in which there existed a national regulation referring to the private sector, the solution should be different. These cases would be submitted to arbitration procedures if they were based on laws, regulations or governmental decisions in force. In addition, they could not be the object of arbitration decisions taken in good faith nor decisions made by tribunals composed of persons who were not sworn officials. He recalled in this respect that, by conviction and legal obligation, the Government respected the rulings of the courts and the Constitutional Council, which were universally binding.

The definition of the public service according to Costa Rican law was contained in section 369 of the Labour Code, which stated that, for the purposes of the above section, public service means: (a) all services provided by state workers or institutions, where their activities are not also provided by individual profit-making enterprises; (b) services provided by workers engaged in sowing, cultivating and harvesting agricultural products, raising stock and producing forestry products, as well as their processing when such products would deteriorate if such processing were not carried out immediately. Nevertheless, the above services excluded the services provided by agricultural workers in enterprises which have concluded contracts with the State, which have been converted into laws of the Republic, in which it has been specified that the enterprises and their workers may submit disputes to arbitration for settlement only when they have voluntarily agreed to do so; (c) the services provided by employees of railway, sea and air transport enterprises, and the services provided by transport employees in any specific transport enterprise until its closure; (d) services provided by employees which were absolutely indispensable to maintain the operation of specific enterprises which could not interrupt their services without causing serious and immediate harm to health or the public economy, such as clinics and hospitals, hygiene services and lighting; and (e) services declared to be such by the Executive Authority throughout the territory of the Republic or in part of its territory, where the Legislative Assembly has availed itself of its constitutional powers to suspend certain individual guarantees.

The Government representative informed the Committee that, since the adoption of the Labour Code, various attempts had been made to make changes relating to the concept of public service. One of the measures adopted was contained in the Public Employment Bill No. 11,888 which was currently before the Legislative Assembly. The above Bill, in Title VI (single chapter, sections 110 to 119), contained regulations governing strikes in public services which recognized the right to strike in non-essential services and placed limits upon it, as well as establishing sanctions for non-compliance, and general prohibitions and the manner in which it could be exercised. With regard to the right to strike in transport enterprises, with reference to the Committee of Experts' comment on the dispute in the LACSA company, he indicated that section 113(f) of the Bill stated that: (general conditions of legality) in order for a strike in the public administration to be legal, employees and their organizations must meet the following requirements: (...)(f) in the case of vessels, aircraft, trains, buses and other public means of transport, such vehicles must be taken to their point of departure before the commencement of the strike.

The above information showed the openness of the legal system to permitting workers in transport enterprises, such as LACSA, to take part in strikes, provided that they complied with certain conditions in order to be classified as "legal strikes". In this way, the Government of Costa Rica was demonstrating its will to comply with the recommendations of the Committee of Experts concerning strikes in the sectors in question. There could be no doubt that through the new legislation, which was awaiting adoption by the Legislative Assembly, the Government of Costa Rica guaranteed minimum services and recognized the right to strike in non-essential services in public institutions, thereby endeavouring to find a new balance between the rights of society and the users of public services, on the one hand, and of public employees, on the other.

The rights which were formally set out in Costa Rican legislation and in the proposed legislation formulated by the Government, which was now before Parliament, were also becoming broader in practice. A little more than one year ago, teachers in the country, whose trade union organization was the strongest and best organized, had held a general strike to show their disagreement with the reforms to their special pension scheme introduced by the Government. The strike had lasted six weeks and finished when an ending to the strike was negotiated with the Magistrate. Despite being an illegal strike because it had taken place in a public service and did not meet the requirements set out by law, none of the strikers had been subject to dismissal or reprisals. A few days previously, a strike by telecommunications workers had been ended by decision of the workers themselves, but not due to government pressure. Even though the strike had been illegal, no sanctions had been taken against the strikers. The same had occurred in a strike called a few months previously in a hospital where the workers were calling for an increase in their food subsidy. The strike had been ended by decision of the workers and no sanctions had been taken against those who were involved in this illegal action. The Government representative emphasized that these cases demonstrated once again that, irrespective of whether or not strikes were legal, and unless they involved the violent expression of a point of view, they were respected even where they were in contravention of the law of the country. Strikes were neither prevented nor terminated by force. Nor were reprisals taken against the strikers.

With regard to the recommendation by the Committee of Experts that foreigners should be able to hold trade union office, at least after a reasonable period of residence in the country, the Government representative explained that the prohibition was a result of a principle set forth in the Political Constitution. Article 60(2) provided that foreigners were prohibited from holding office or exercising authority in trade unions. The legal basis of the above provision had its roots in the question of national sovereignty. In accordance with the country's constitutional provisions, sovereignty was vested exclusively in the nation. The Constitution reserved to nationals of the country the exercise of political rights on the basis that these were intrinsically derived from the exercise of the people's sovereignty. Indeed, since sovereignty was vested in the people, in accordance with articles 2, 3 and 4 of the Political Constitution, it was evident that the various ways in which the will of the people could be expressed, including the holding of office and the exercise of authority in trade unions, was confined to those who were members of the people. Nevertheless, the Government of Costa Rica was always ready to bring its legal provisions into conformity with the principles of the ILO and had decided to request technical assistance from the ILO in order to find a legal solution that was in accordance with the recommendation of the Committee of Experts.

On the question of strikes in the agricultural, stock-raising and forestry sectors, he noted that the concept of agricultural activity as a public service was not set out in jurisprudence or in very many legal texts. It was therefore interesting to examine the basis upon which the legislator had developed this concept. The explanation was to be found in the statement transmitted to Congress by the President of the Republic when submitting the draft Labour Code. He had stated that he was aware that the ILO had adopted a Convention in Geneva on 12 November 1921 obliging its signatories to guarantee to all persons working in agriculture the same rights of association as urban workers and to repeal any legislative or other measures which restricted those rights as they related to agricultural workers. However, he had emphasized his intimate conviction that agriculture and its related activities, in a country such as theirs, which depended exclusively on the produce of its fields, constituted a real public service which, for reasons of common interest, could not and should not be paralysed by a strike or work stoppage. Nevertheless, it was probable that the underlying reasons for the provision in question were more of a political nature. Indeed, the prohibition upon strikes by agricultural workers was not an isolated provision, but formed part of a legislative policy that resulted in the Labour Code containing a whole series of provisions containing exceptions for rural workers. Despite the fact that they were dispersed throughout the Labour Code, they amounted to specific legal treatment that was less favourable for these workers. A number of these provisions had been repealed or amended, but there was no doubt that the intention was for the Labour Code not to apply in real terms to the agricultural sector.

It could therefore be deduced that the provisions in question covered two types of situations and one exception. The first was the most general and included all the work of sowing, cultivating and harvesting agricultural products, raising stock and producing forestry goods. The second case consisted of the processing of such products, and only covered cases in which they needed to be processed immediately in order to prevent them from perishing. The exception concerned agricultural workers in enterprises that had concluded so-called "legislative contracts" with the State in which they agreed to have recourse to voluntary arbitration. Subsequently, in view of the fact that in the cases under examination strikes were not permitted and arbitration was compulsory, and in view of the consideration that a legislative contract could not be modified by a law, the legislator had to enshrine this provision in the law for the sake of coherence. The Government was aware of the less favourable treatment accorded to freedom of association for agricultural workers, particularly with regard to the right to strike, since the adoption of the Labour Code and on various occasions had endeavoured to introduce reforms relating to the concept of public service. One of the measures adopted was contained in the Public Employment Bill No. 11,888 which was currently before the Legislative Assembly. The above Bill, in Title VI (single chapter, sections 110 to 119), contained regulations governing strikes in public services which recognized the right to strike in non-essential services and placed limits upon it, as well as establishing sanctions for non-compliance and general prohibitions. In accordance with the proposed provisions of section 110 of the above Bill, strikes would be permitted in the agricultural, stock-raising and forestry sectors. The Government representative was of the opinion that the prohibition of the right to strike for these workers was discriminatory and violated the principle of legal equality. He therefore undertook to request the technical assistance of the ILO with a view to formulating draft legislation to eliminate this restriction. The above information once again demonstrated the commitment of the Government to complying with the recommendations of the Committee.

The Workers' members recalled that the Committee had examined in detail the application of the Convention by Costa Rica in 1993. One of the major concerns of the Committee, apart from the right to strike and several violations of the principles of freedom of association, had concerned the solidarist movement. They noted that the Government had taken into account the observations and comments of the Committee of Experts, as well as of this Committee, in the establishment of the relevant draft legislation. However, they regretted that serious problems remained in practice. According to some information, a growing number of employers were using these non-representative associations to free themselves from the obligations contained in the collective agreement. They insisted that the draft legislation, which had been formulated more than two years ago with the technical assistance of the ILO concerning a pension fund for workers and the democratization of the economy, be adopted without any delay in order to ensure that all trade unions could enjoy the right to manage the unemployment compensation fund.

As regards the prohibition on foreigners from holding office or exercising authority in trade unions contained in section 60 (2) of the Constitution, the Workers' members reiterated the position that they had adopted in 1993 and once again requested the Government to re-examine the question so that workers could freely elect their representatives, in full conformity with the provisions of the Convention.

As regards the limitations on the right to strike, they recalled the conclusions adopted by the Committee of Experts in paragraphs 158 and 159 of the 1994 General Survey on Freedom of Association and Collective Bargaining, in which it was stated that the right to strike should not be subject to any restrictions or prohibitions in the public sector, with the exception of civil servants exercising authority in the name of the State or in essential services, in the strict sense of the term, namely services that could endanger the life, safety or health of the population if they were disrupted. As the Committee had stated, they considered that transport services in general were not essential services in the strict sense of the term. They stressed that the Government should take all necessary measures to eliminate all limitations on the right to strike in the public sector, as well as in the agricultural, stock-raising and forestry sectors. They hoped that the Government would in the near future adopt draft legislation on public services which contained limitations on the right to strike in accordance with the observations formulated by the Committee of Experts and this Committee.

Finally, while they noted that several draft legislations covering a number of issues raised by this Committee in 1993 had been prepared with the technical assistance of the ILO, they were very concerned about the delays encountered, as well as the contradictory practices, which could hinder the effective implementation of the Convention. They emphasized the fact that the Government should take the necessary measures in order to solve the problems raised by the Committee of Experts. In this context, it was essential that the new information provided by the Government's representative be transmitted to the Committee of Experts for complete analysis. The Conference Committee should consider re-examining this case at its next session.

The Employers' members thanked the Minister of Labour of Costa Rica for his extensive and clear comments. When the case had been considered by the Conference Committee in 1993, it had had to deal with a larger number of individual points raised by the Committee of Experts. The fact that this list had shortened gave grounds for believing that there was less to be criticized. Indeed, in 1994, the Committee of Experts had placed Costa Rica on the list of cases of progress in relation to the Convention.

With regard to the prohibition upon foreigners from holding office or exercising authority in trade unions, the Employers' members acknowledged that this constituted a restriction of the freedom of workers and trade unions to organize their own activities. Although the Minister had described the historical reasons for the measure, he had also indicated a readiness to adopt reforms and to request technical assistance from the ILO. It could therefore be assumed that changes would be made in this respect.

Concerning the prohibition upon exercising the right to strike in the public sector and in the agricultural, stock-raising and forestry sectors, the Minister had also provided extensive explanations. The Employers' members noted in this respect that certain changes had been introduced in practice and had been examined by the Constitutional Court to determine their conformity with relevant provisions of the Constitution. However, the country did not have uniform regulations applying to all cases of strikes and lockouts. On the question of whether the transport sector was an essential service, the Employers' members emphasized the differences between the various member States, with their varying structures, levels of development and types of economy. The situation could not therefore be judged in a uniform manner. With regard to the question of strikes in the public sector, they noted that the employer in such cases was the State, which normally appeared to be the stronger party. However, in many cases the State was in practice the weaker party. The category most affected by strikes in the public sector was the population as a whole, which could be held hostage by public sector workers. It was for individual States to draw up the necessary limitations in order to achieve a good balance as regards strikes. Since the Convention and other related international instruments set out only general principles, without any detailed provisions, the principles in question had to be applied by each State according to its national situation. The Employers' members were encouraged by the readiness expressed by the Minister to adopt changes and adjust to the criticisms of the Committee of Experts. Further improvements could therefore be expected. Much of what had been criticized in this case could be explained by the historical background of Costa Rica, with the State holding particularly widespread monopolies in many areas. This had been changed gradually, but in some areas the labour legislation had not been fully adapted. It would appear that Costa Rica was set on the right path and realized that the internal discrepancies in its regulations relating to freedom of association needed to be resolved. In this respect, the Employers' members noted that it was the practice of the Conference Committee to re-examine the cases on which it reached its own conclusions. This had the effect that many cases came up before the Committee year after year. However, the Employers' members believed that cases such as the present one would not require re-examination at the next session of the Conference Committee and that further action should depend on the comments of the Committee of Experts in its next regular report on the case.

The Workers' member of Costa Rica supported the statements of the Workers' members. In Costa Rica, strikes were forbidden in the public sector and collective bargaining did not exist. In the last 50 years, only twice had strikes been declared legal in sectors in which strikes were permitted by the legislation. Even where a strike was legal, such as in the case of LACSA, situations were reached in which workers were dismissed, collective agreements abrogated and legal proceedings were still pending five years after the event. The Government had not followed the recommendations of the direct contacts mission or of this Committee, which had requested it to let trade unions manage their pension funds themselves (forbidden by Act No. 7360). The few concessions which had been granted to the trade unions were the result of the action of the AFL-CIO, which had requested the United States authorities not to grant trade benefits to Costa Rica. Finally, he referred to Report No. 305 of the Committee on Freedom of Association concerning the case of FERTICA SA Workers' Association, which involved anti-trade union dismissals of hundreds of workers. The Committee on Freedom of Association had expressed its concern at the delays and lack of effectiveness of procedures in a considerable number of cases. These deplorable delays in so many cases had to be reduced. He wondered whether the future would bring about the disappearance of the trade union movement in view of the fact that neither direct contacts missions nor ILO technical assistance had succeeded in changing the attitude of the national authorities.

The Workers' member of Argentina recalled that the Government of Costa Rica had undertaken to bring its legislation into conformity with the provisions of the Convention. The Labour Code prohibited the exercise of the right to strike in the public sector, as well as in the agricultural, stock-raising and forestry sectors. The Government had indicated the existence of draft legislation to modify the current legislation. However, it was regrettable that the statements of the Government showed its intention to maintain these legal restrictions. Strikes were the most legitimate weapon available to workers. It was for this reason that the concept of "essential services" needed to be structured and limitative. The ending of discrimination against public sector workers had been difficult for the ILO to achieve in view of the reluctance of governments to accept freedom of association and collective bargaining. Conventions Nos. 151 and 154 clearly illustrated the workers' struggle to obtain equal treatment in the field of fundamental rights. These Conventions, with few exceptions, were applicable to all workers in the public sector. It was for this reason that the Government of Costa Rica needed to abrogate all provisions which restricted the right to strike, and which limited the full application of the principles of freedom of association and collective bargaining. Nevertheless, the existence of legislation was not sufficient: practical agreements were needed for the effective exercise of trade union rights. The Government should provide information on the issues raised and demonstrate as soon as possible that the rights contained in the Convention were guaranteed in the country. He noted that the statement of the Employers' members on the right to strike in general was out of place. The value and legitimacy of the right to strike as a means of defending and promoting workers' rights could no longer be questioned. In certain situations, strikes were the only means available to workers to defend their rights. Experience from the world over showed that workers knew when and how to use this right. Of course, there had been periods when this right had been repressed, but it was useless today to try to restrict it, despite the current trend towards globalization. He stressed the fact that the workers of the European Union and of MERCOSUR had clearly shown over the past few years that the exercise of the right to strike was the only way for them to make their voice heard.

The Workers' member of the United States reminded delegates that those who did not learn from history were doomed to repeat it. In the case of Costa Rica, it was the Government which had not learned from history, but the Costa Rican labour movement and the workers that it represented who had been doomed to the repetition. Costa Rica had been no stranger to the Committee on Freedom of Association, with over 40 complaints filed against it since 1967. Ironically, Costa Rican labour law had undergone certain reforms, although much of the long-standing law had been interpreted and enforced in an even broader manner, rendering the violations of the Convention even more chronic. With regard to the prohibition upon the right to strike in the public sector, the Committee of Experts made particular reference to the air transport sector and had called for the prohibition to be limited to public servants exercising authority in the name of the State or in essential services in the strict sense of the term. The Committee of Experts had hoped that the Costa Rican Government would take steps to eliminate the broad prohibition placed on the trade union leadership role of foreigners and the prohibition of strikes in the public sector, and in the agricultural, stock-raising and forestry sectors. However, the matters covered by the Committee of Experts only constituted a fraction of the problems related to freedom of association in the country. It remained virtually impossible to create a trade union in the private sector, including the nine export processing zones in the country, because trade union activists were constantly dismissed and blacklisted without any effective protection. As a result, collective bargaining was becoming almost non-existent in the private sector. The prohibition of the right to strike in the public sector only therefore formed one part of a much broader problem. In practice, strikes were banned in about 65 per cent of the manufacturing and service sectors which were designated as being of public interest. In addition to the sectors mentioned by the Committee of Experts, the ban on strikes effectively included insurance, banking, oil and related industries, electricity, water, communications, cement, education and health care. Not surprisingly, only two strikes had been declared legal in the country over the last 50 years. It was no secret that the Costa Rican Government had actively opposed any linkage and conditionality as regards labour rights in the trade integration process. The question therefore arose as to whether Costa Rica would respect the ILO and its supervision process. He hoped that the Government could learn from history and begin to take seriously the conclusions contained in the report of the Committee of Experts, despite the fact that these conclusions did not address the entire crisis as regards freedom of association in the country. He therefore implored the Government to stop the victimization of Costa Rican workers and to ensure that a sad history did not repeat itself.

The Workers' member of Colombia noted that the Committee was confronted with a very clear case of the violation of the Convention by the Government. He recalled that it was a common feature in Latin America to prohibit non-national workers from holding office or exercising authority in trade unions, as well as to prohibit strikes in the public sector. He noted that the trade union movement had always criticized policies which seriously infringed freedom of association. In the present case, however, the violation of the Convention was more serious, since strikes were also prohibited in the agricultural, stock-raising and forestry sectors, and in air transport. Workers could not remain passive with regard to such provisions, which seriously violated trade union rights. He recalled that strikes were never an end in themselves, but rather the ultimate means available to workers when confronted with the intransigence of governments or employers. Finally, he emphasized that the Committee on Freedom of Association had, on numerous occasions, reiterated that the right to strike was an inherent element of freedom of association and that it had developed the concept of essential services with a view to determining the cases in which the right to strike could be restricted or prohibited. International Conventions should be applied in good faith and national law should not be invoked, as the Government of Costa Rica had done, to justify a prohibition which covered all public services.

The Workers' member of Greece shared the opinion expressed by some speakers that some legal progress had been made since 1993. However, these interventions, as well as the observations of the Committee of Experts, also highlighted serious problems of application of the provisions of the Convention. He was of the opinion that this case should be evaluated in the next report of the Committee of Experts in order to decide whether it should be re-examined by the present Committee. As regards the restrictions on the right to strike, he noted that the Government representative had stated that this right applied to all workers employed in non-essential services. He considered, however, that the right to strike should be universally recognized and that, on the question of the services to be maintained, the trade unions always displayed a sense of responsibility, as they were fully aware of the importance of public support for the success of any strike action. The services that were essential should not be determined unilaterally by the Government, but through negotiations with the trade unions concerned.

With regard to the prohibition upon foreigners from holding office or exercising authority in trade unions, under article 60 (2) of the Constitution, it was difficult to comprehend the attitude of governments, including that of the Government of Costa Rica, many of whose populations lived and worked abroad. He recalled that Europe had experienced a significant level of migration in the aftermath of the Second World War and that several immigrants now held key positions in the trade unions of their countries of residence. This involvement facilitated their integration and permitted them to take part fully in the economic and social development of their new country. He expressed the firm hope that the Government would take all necessary measures to abolish the prohibition upon foreigners from exercising authority in trade unions.

The Workers' member of Germany noted that some progress could be discerned in this case. However, he still entertained great doubts as to whether the situation in Costa Rica was in conformity with international public law. Just as in the past, there continued to be serious violations of the Convention, with a core group of workers denied one of their fundamental rights. In particular, the concept of essential services in the country was interpreted in a very broad and arbitrary manner by the Government, resulting in a misleading and abusive interpretation of the categories of workers covered by this term. The facts of this case made it clear that it could not be left to each individual State to set its own limits in this respect. If the approach referred to by the Employers' members, under which the concept of essential services would be interpreted differently from country to country, were to be applied in practice, this would amount to a denial of this core Convention. The Convention should be interpreted in a uniform manner in accordance with the usual jurisprudence. He therefore supported the interpretations of the Committee of Experts, and their references to the work of the Committee on Freedom of Association, which had been extremely helpful in developing a definition of essential services. Care would need to be taken in future to ensure that such services were interpreted in a restrictive manner. He therefore appealed to the Government to apply the spirit and letter of the Convention in its law and practice. He recalled in this respect that the right to strike was a universal right and should not be limited in the case of categories of workers who were employed by the State.

The Government representative of Costa Rica distinguished between the remarks made during the discussion by the Employers' and Workers' members, and those made by individual Workers' members. He thanked the Employers' members for the considered manner in which they had discussed his intervention. They were the true guarantee of how the work of the Organization should be handled if it were to be successful. The strength of the Organization lay in tolerance and respect for the points of view expressed by all parties. He hoped that such respect would continue and would constantly strengthen the ILO.

However, certain Workers' members of Costa Rica did not appear to understand what was meant by the rule of law. He specified that the rule of law guaranteed what was known in legal commentary as due process, which meant the possibility for all the parties to fully state their case before a decision was reached. If matters were not resolved with the rapidity desired by many, this was due to the fact that the various parties, but not the Government, raised preliminary motions which delayed the proceedings. This so-called delay was necessary for reasons of due process. If due process were not observed, the parties would subsequently be able to complain that their right of defence had been violated. Both workers and employers benefited from the guarantees provided by due process that their points of view, evidence and propositions would be taken into account in all the solutions that were reached. In this respect, he noted that, in accordance with the recommendation of the Committee on Freedom of Association in Report No. 305, an expression of his concern at the time taken to resolve matters before the labour courts had been transmitted to the President of the Supreme Court. The President of the Supreme Court had in turn transmitted that concern to the labour courts, which would take the necessary measures. However, it was not for the Executive Authority to instruct the President of the Supreme Court or the Judicial Authority as to the action that should be taken. He respected the independence of the different powers in the Republic, which was another basic element of democracy.

He informed the Committee that one of the Workers' members of Costa Rica had described a situation that did not exist in his country, thereby giving an erroneous impression of the real situation. His country was about to complete three years of absolute industrial peace, based on constant dialogue with the representatives of workers and employers. Just last week a wage increase of between two and three points above the level of inflation for all workers in the private sector had been negotiated with the trade union federation presided over by the same Workers' member. This was a good illustration of the industrial climate in his country. He added that the trade union movement had the right to bring all of its concerns before the Supreme Labour Council, which was composed of three trade union representatives, three representatives of employers and three Ministers. The Workers' member in question and his representative on the Supreme Labour Council had never referred to the matters that he had raised in this Committee.

On the question of the rapidity with which draft legislation was examined, he stated that the political situation of the country and its democratic system made it obligatory to submit draft legislation to Parliament, which was composed of representatives of the various sectors of society. The legislation was then discussed in Parliament in order to reach an agreement. Matters would not be resolved in his country by means of force. By way of illustration, in the case of the Bill to transform the subsidy for termination of employment, the stimulus had come from the political movement that was currently in power. There had been almost no participation by the trade union movement. The fact the Bill had not yet been adopted had not been due to the lack of political will by the Government, but to matters related to the internal workings of Parliament, which was sovereign in this respect. The Government's influence had been important, but not decisive. Being misinformed about this process meant that those concerned were not aware of how a fundamental institution of a democratic system functioned.

As regards the restrictions placed on foreigners, he stated that Costa Rica had shown its solidarity by receiving non-nationals who accounted for over 15 per cent of its economically active population. In accordance with the Political Constitution of Costa Rica, non-nationals had to be given housing, education and free health, even if they were not legally resident. The Government had given migrants the opportunity to obtain a work permit in order to regularize their work situation, even if their migratory status were not resolved. The Costa Rican people had given ample proof of its solidarity towards foreigners throughout its history. Its legislation would be brought up to date, as stated in this Committee today.

In conclusion, he supported the concept of international labour law covering labour matters, even within the countries of the region, as he had stated in interventions on the Report of the Director-General.

The Workers' members endorsed the opinion expressed by the Employers' members that some prudence was required in determining the cases to be examined next year. However, they recalled that, in the case of Costa Rica, their proposal was limited to the Committee envisaging such an examination if it considered it appropriate. They also agreed with the evaluation of the Employers' members that some progress could be observed on a number of issues which had already been discussed by this Committee. However, they expressed serious reservations as regards the two issues raised by the Committee of Experts in its observation. The additional information provided by the Government representative might indeed reveal positive developments, as indicated by the Employers' members. But this case required detailed and in-depth examination by the Committee of Experts. Finally, they urged the Conference Committee to request the Government to adopt draft legislation as soon as possible that was in conformity with the Convention, as well as the necessary measures to ensure its implementation in practice.

The Committee took note of the detailed information provided by the Minister of Labour and observed that, in spite of the direct contact missions to the country which had taken place in 1991 and 1993, the Committee of Experts observed that significant differences still remained between, on the one hand, legislation and national practices, and the provisions of the Convention on the other. The Committee hoped that the Government would adopt the necessary measures so that the prohibition on foreigners from holding office or exercising authority in trade unions would be eliminated, as well as the serious limitations imposed on the right to organize in the public sector, and in the agricultural, stock-raising and forestry sectors. The Committee took special note of the statement made by the Minister of Labour of Costa Rica who requested technical assistance from the ILO. It hoped that this technical assistance would be given rapidly so that the Committee of Experts would be able to verify that substantial progress had been made in the application of this fundamental Convention.

Guatemala (ratification: 1952). A Government representative, Minister of Labour and Social Protection, recalled that on 29 December 1996 the Accords on a Firm and Lasting Peace had been signed by the President of the Republic and the National United Guatemalan Revolutionary Front (URNG). The Peace Accords, which were brought about under the auspices of the United Nations and the ILO, permitted an improvement in relations between workers and employers. The dialogue which had developed had helped to resolve differences, and was at the heart of the creation of the tripartite Committee of International Labour Relations which operated in the country. The speaker was grateful for the role that the United Nations and the ILO had played in negotiating the Peace Accords. The commitments contained within the framework of the Accords allowed the Ministry of Labour to modernize, strengthen, and decentralize the General Inspectorate of Labour and Social Protection Directorate, particularly in the areas of health and social security in work, and of labour relations. These commitments included the translation of the labour laws into the Mayan languages, amendment of the labour legislation, training of 200,000 workers, and the use of dialogue to resolve conflicts between workers and employers. The tripartite committee raised awareness, resolved many conflicts, and promoted bipartism. Within the framework of this Committee, draft legislation was being examined which would be sent at the appropriate time to the Congress for consideration. The workers and employers played an outstanding role in consolidating tripartism, brought about with the assistance and collaboration of the ILO's multidisciplinary team based in Costa Rica. The Government proposed to the Committee of Experts that it elaborate and adopt draft legislation, which had been submitted for approval to the tripartite committee, to harmonize the national legislation with the Conventions. In order to reform sections 211, 220, 223 and 243 of the Labour Code, in accordance with the recommendations of the Committee of Experts, draft legislation would be submitted for adoption at the next meeting on 26 June 1997. The Peace Commission and the ILO Standards Department had been informed of these developments. The speaker expressed his appreciation for the technical assistance of the ILO multidisciplinary team's specialists and the support of the Director of the ILO Area Office, and foresaw that such assistance would continue in the construction of a new Guatemala.

The Employers' members noted that this was a long-standing case which was being discussed for the 12th time since 1980 and had been the subject of three special paragraphs. In the late 1980s, the Committee of Experts had noted it once as a case of progress and a direct contacts mission had taken place in 1995. The protracted civil war had played a role, and they were pleased to note that the Peace Accords had created the possibility for constructive dialogue. They highlighted their concern over the restrictions placed on union activities: nationality requirements, the exclusion of candidates with criminal records, and the requirement that candidates be active in the enterprise at the time of the union election. The Employers' members noted that, according to the Minister of Labour, the Government would be ready to submit draft legislation at the end of June 1997. However, they could not share the views of the Committee of Experts concerning the right to strike, as they considered that this right did not flow from Convention No. 87. They noted the agreements reached by the tripartite committee, and expressed the hope that they would yield positive results. Lastly, the Employers' members asked the Government to send a detailed report to the Committee of Experts and hoped that they would be able to note full compliance with the Convention.

The Workers' members recalled that the case had been categorized as a very serious one during the discussion held in the Committee last year. It was very serious because of the facts described by the Committee of Experts, which pointed to a profound divergence between the legislation and the Convention. It was very serious also because of the total absence of cooperation on the part of the Government which boasted of having ratified a large number of Conventions. Finally, its seriousness was proved by the violence and generalized repression revealed by the numerous complaints before the Committee on Freedom of Association. The recent Peace Accords might open the way to reconciliation in the country and permit progress in the application of the Convention, in law and in practice. However, the situation was still at the stage of promises, while its gravity required urgent and significant action. While the Government could be commended on its willingness to adopt a new labour code, as it had announced before this Committee last year, no satisfaction could be drawn from the unsubstantiated reforms. In this respect, it was important to have information on the precise work of the numerous tripartite committees which had been mentioned and, in particular, on that of the tripartite committee on international labour questions, because the existence of purely formal structures was not only insufficient, but could lead to delays perpetuating abuses and impunity. Therefore, the Workers' members could not but share the strong hope expressed by the Committee of Experts that this tripartite committee would take into consideration, in the near future, all of the comments formulated with the view to the elaboration of the draft Code. This was particularly necessary in view of the very fragile political and social context characterized by the general climate of violence and deep anti-union attitudes. The numerous complaints concerning violations of freedom of association attested to the difficulties confronting workers in the exercise of their trade union rights: they were very often threatened, dismissed, attacked or even assassinated, while the anti-trade union practices of the national and foreign enterprises very often went unpunished. The involvement of the police authorities in these practices remained very worrying. It was therefore necessary to be extremely vigilant to ensure that the hope which had arisen from the Peace Accords would not be dashed by paper reforms which veiled violent anti-union practices. The Government should proceed rapidly, with the help of the Office, if necessary, to implement the proposed reforms and should provide a detailed report containing full information on the measures taken to bring the legislation and practice into conformity with the requirements of the Convention.

The Workers' member of Guatemala stated that the Government and employers violated national and international labour standards. The Peace Accords had masked the serious crisis which existed in his country and the loss of moral values. The Government's report contained unilateral information, since the workers' and employers' organizations had not been consulted. The Government had not made any effort to comply with the Committee's requests. An ILO direct contacts mission would confirm his assertions. The tripartite committee, mentioned by the Minister of Labour and of which the speaker was a member, did not promote dialogue and the search for consensus on trade union rights. In Guatemala, the freedom to organize and bargain collectively were restricted, as was evidenced by the destruction of several workers' organizations. Certain enterprises had filed court actions against unions and certain judges had fined the unions considerable amounts. The Government continued to issue standards contrary to freedom of association.

The Workers' member of Argentina recalled that the Workers' members had made specific criticisms on the discrepancies between the position described by the Government and the daily reality concerning trade union rights. Even though one should not forget the context of internal conflict in Guatemala, efforts should be made to secure the effective exercise of freedom of association. The Government should not create situations of anti-union violence, limit the right to strike or discriminate against agricultural workers in the exercise of their rights. Many Latin American countries had ratified ILO Conventions but their legislation did not recognize the rights those instruments established. The full exercise of democratic trade union activity could take place only in a country which favoured the protection of personal and union freedom in daily practice.

The Workers' member of Costa Rica recalled the statement made by the Government representative during last year's Committee which indicated that new legislation had been tabled before Congress and that a decision was awaited. In the present session, the Minister of Labour had indicated that draft legislation was before a tripartite committee. It was apparent that there was no political will to resolve the questions raised by the Committee of Experts. The conciliation tribunals created in Guatemala impeded collective bargaining, and the observation of the Committee of Experts had referred to government interference with unions. Union leaders should benefit from the rights established by the ILO core Conventions and should not be viewed as obstacles to consolidating social peace.

The Workers' member of Greece thanked the Minister of Labour for having taken part in the Committee's dialogue. He was particularly pleased that the Workers' member of Guatemala had spoken because the present Committee frequently discussed violations of freedom of association in the absence of the true representatives of the workers of the country in question. It was now indispensable that the Government repeal sections 220 and 223(b) of the Labour Code which legitimized discrimination of foreign workers, as well as section 241(c): workers knew very well that the success of a strike implied that it was supported by more than a simple majority of the workers involved. The judicial and other formalities to which workers were subjected in the election of their trade union leaders should also be removed, as well as other provisions mentioned by the Committee of Experts, such as section 255 which authorized the possibility of calling upon the national police to ensure the continuation of work, or the series of sections defining legal or illegal strikes. It was also necessary to repeal section 257 and section 390 of the Penal Code which threatened the workers engaged in a legal protest action with very severe penalties.

The Employers' member of Guatemala declared that progress had undoubtedly been achieved in the labour field in Guatemala, as illustrated by this year's revised list concerning the Generalized System of Preferences. Furthermore, the functioning of the Bipartite and Tripartite Committees was very satisfactory. The Government had shown tolerance towards strikes and peaceful takeovers of workplaces, and had even on occasions set aside the claims of employers. The Government's policy had made it possible to establish a large number of trade unions, including independent trade unions at the village level. Contrary to the claims made in certain statements, the trade unions of flour mill workers and bank employees referred to in the discussion were still active. In the case of the former, the dismissals had been a result of the acquisition by the enterprise of automated machines aimed at enhancing competitiveness and in the other case, the Los Cerros matter, a trade unionist had illegally confined the administrative personnel.

The Workers' member of Colombia expressed satisfaction at the signature of the peace accords. However, he emphasized that 45 years after the ratification of the Convention, the Government and the legislation continued to violate such basic rights as the right to organize, the right to collective bargaining and the right to strike. A direct contacts mission should be sent to Colombia as long as the Government had not shown a genuine commitment to apply the Convention.

The Workers' member of France understood from the statement of the Minister of Labour that the serious problems previously noted in Guatemala were to a large extent caused by the climate of tension. In view of the present situation, substantive changes, including a complete review of the legislation, could be hoped for in the near future. However, he emphasized that, while such reforms would take some time, certain immediate measures should be undertaken in order to ensure the full development of the trade union movement in a climate that was free of violence. Recalling that the case of Guatemala had been examined last year by the present Committee and that few changes had been observed, he insisted that it be subjected to continued examination in order to monitor whether any substantive progress had been made.

The Minister of Labour reaffirmed his earlier statement that the Tripartite Committee had reached agreement on 90 per cent of the points criticized by the Committee of Experts and the remaining issues would be discussed again on 26 June. A draft Bill would then be submitted to Congress. The Government wanted the reform of the labour law to be endorsed by workers and employers. The Bipartite Committee, in which the Government did not participate, was examining the reforms to the procedural part of the Labour Code, and was benefiting from ILO assistance. The revised list for the Generalized System of Preferences illustrated the improvement and progress in the situation in Guatemala, as recognized by the Government of the United States. The United Nations had recognized that the human rights situation had improved and that there was now no state terrorism. According to the reports of the Committee on Freedom of Association, denunciations of acts of violence against trade unionists had decreased in number. Violent acts were no longer perpetrated against trade unionists. If it were appropriate, the Minister of Labour would be ready to accept an ILO mission concerning the application of the Convention.

The Committee noted the information provided by the Ministry of Labour of Guatemala and the debate that followed. The Committee regretted to note that, despite the direct contacts mission carried out in February 1995 and the many debates that had been held in the present Committee in 1991, 1993, 1995 and 1996, the Committee of Experts continued to note serious divergencies between the legislation and the Convention. The Committee noted that a firm and lasting Peace Accord had been concluded under the auspices of the United Nations and with the participation of the ILO Office in San José, Costa Rica. The Committee expressed the sincere hope that this agreement would result in a new period of peace, social dialogue and industrial relations and would make it possible to give full effect in law and practice to this fundamental Convention, which had been ratified by Guatemala 45 years ago. The Committee also noted with interest the Government's intention to request the technical assistance of the Office once again. The Committee urged the Government urgently to adopt the necessary measures as soon as possible to eliminate in law and practice the control of the public authorities over trade union activities, the restrictions on persons who were not nationals of Guatemala from holding trade union office and the other restrictions on the exercise of the right to organize. The Committee urged the Government to transmit a detailed report to the Committee of Experts on the measures adopted to give full effect to the Convention.

Myanmar (ratification: 1955). A Government representative recalled that, in previous sessions of the International Labour Conference, information relating to the application of Convention No. 87 had been provided to the Conference Committee, some members of which had commented on the continued efforts of his Government to enact a new trade union law. He reaffirmed the interest of his Government in promoting and protecting the legitimate rights of all workers. A total of 17 labour-related laws were still in force in his country. Half of those laws had been enacted during the British colonial days, while the remaining half had been adopted after the attainment of independence nearly five decades ago. The Department of Labour under the Ministry of Labour was mainly responsible for reviewing and redrafting all laws to ensure that they were in conformity with changing circumstances. In the process of reviewing and redrafting laws, priority had been given to the Trade Union Law, the Workman's Compensation Law, the Factories Law, the Leave and Holiday Law, the Minimum Wages Law and the Employment and Training Law. Other labour laws were also scheduled to undergo the same process.

Focusing on the draft trade union law, he stated that the Department of Labour and the Office of the Attorney-General had approved the draft and submitted it to the Central Laws Scrutiny Body. After scrutinizing the draft, the Central Body had returned it to the Labour Ministry with remarks and recommendations for modifications and redrafting. One important recommendation by the Central Body was that, following the necessary drafting, the revised text should be tabled and subjected to extensive consultation with all the parties concerned, namely employers' organizations, such as the Union of Myanmar Chamber of Commerce and Industry, representatives of public and private enterprises and workers' welfare associations. Taking into consideration the recommendation of the Central Laws Scrutiny Body, which was to be implemented this year, it was hoped that it would be possible to submit the revised draft to the respective supervisory body at an appropriate time.

The Workers' members recalled that Myanmar was a persistent violator of the Convention and had therefore frequently come before the Committee. The case had been discussed in 1987, 1989, 1993, 1994, 1995 and 1996. For over 40 years, the ILO had been requesting the Government to respect the fundamental principles of freedom of association. The Committee had requested it to ensure the right of workers to freely establish and to join first-level unions, federations and confederations, without previous authorization, subject only to the rules of the organization concerned, and to freely affiliate to international workers' organizations, in accordance with Articles 2, 5 and 6 of the Convention.

Over the years, the Government had bluntly refused to cooperate with the Committee and had once again failed to supply the report requested, despite the inclusion of the case in a special paragraph last year. The case had been mentioned by the Committee in a special paragraph in 1993, 1995 and 1996 and deserved to be placed in a special paragraph once again this year. The message from the Government of Myanmar was clearly that it considered it more important to deny the workers in the country freedom of association than to live up to the obligations deriving from the Convention. This amounted to an insult to all ILO constituents and the Government rightfully deserved worldwide condemnation for its behaviour.

In 1996, the Government representative had reaffirmed his Government's firm commitment to the principles of freedom of association and to a multi-party democratic system, a free market economy, justice and human rights for all. However, the Government's conception of what this implied appeared to differ enormously from that of the Workers' members. The continued repression and violation of human rights, including the right to freedom of association and democracy, by a military regime showed that the Government had no intention whatsoever of complying with its obligations or the requests of the Committee. The Workers' members recalled that a Commission of Inquiry had been set up to investigate a complaint under article 26 of the Constitution concerning the non-observance of the Forced Labour Convention, 1930 (No. 29). Moreover, the Government representative had requested technical assistance from the ILO on the application of Convention No. 87, but the ILO representative had been prevented by the authorities from undertaking the mission.

For some years, the Workers' members had been raising the matter of seafarers in Myanmar and had been requesting the Government to confirm that they were no longer forced to sign contracts obliging them not to contact international trade union organizations and that they were no longer intimidated if they exercised their rights in accordance with the Convention. Regrettably, the question had to be repeated once again this year.

The Workers' members expressed surprise that Myanmar had recently been admitted to become a future member of the Association of South East Asian Nations (ASEAN). This constituted a setback for the democratic forces in Myanmar and had been criticized by the Nobel Prize winner, Aung San Suu Kyi. The Workers' members were concerned that the demands concerning respect for freedom of association in the country might be relaxed and that, in reality, the ILO Constitution might be set aside. The Declaration of Philadelphia stated that all national and international policies and measures, in particular those of an economic and financial character, should be judged and accepted only if they promoted the fundamental principles of the Organization, including freedom of expression and association. The Workers' members questioned whether the acceptance of Myanmar as a future member of ASEAN would be seen as an example of applying ILO principles with objectivity, impartiality and transparency at the regional level as had been actively advocated in the ILO by some of those Governments concerned.

In conclusion, the Workers' members urged the Government to immediately accept the right of workers to organize freely in trade unions without prior authorization and to affiliate freely with international trade union organizations. However, as no action had been taken by the Government, the Committee should express its dissatisfaction in the strongest possible terms and mention the case in a special paragraph for continued failure to implement the Convention.

The Employers' members observed that the comments made by the Committee of Experts on the case of Myanmar were getting shorter. This was due to the fact that, after repeated examinations of the case, there was almost nothing new to be said. The ILO supervisory bodies had been examining the continued non-existence of freedom of association in the country for decades. Since the early 1980s, the Conference Committee had been placing its conclusions on this case in a special paragraph of its report due to persistent violations of the Convention. When the case had been examined by the Conference Committee the previous year, the Government representative had had nothing new to report and had merely repeated his statements from previous years. There had briefly been some hope that an ILO mission might have been able to assist in addressing the problems related to application of the Convention. However, although the mission had been invited, it had not been received by the authorities in Myanmar and had not therefore been able to provide the necessary assistance. For the past 40 years it had been impossible to establish a trade union or an employers' organization without prior authorization from the national authorities and there were no federations at higher levels. In effect, there was no freedom of association in the country. Although the Government had referred in general terms to certain draft Bills on a number of issues of labour law, there had been no clear indication that any of these would lead to the development of freedom of association. Moreover, once again the Government had not submitted the requested report to the Committee of Experts. This was a very clear indication of a lack of cooperation, and indeed non-cooperation on the part of the Government. The Conference Committee was therefore bound to repeat what it had stated last year and express its regret even more profoundly that, despite its observations, not the slightest progress had been made. Its conclusions should be included once again in a special paragraph of the Committee's report.

The Workers' member of Japan pointed out that this was one of the oldest and most serious cases of violation of Convention No. 87 before this Committee. The Government had accepted to receive a direct contacts mission to the country. Its subsequent failure to do so showed a complete lack of respect for the supervisory machinery and the requirements of the Convention. He further pointed out that freedom of association could not exist without freedom of speech, freedom of expression and freedom of assembly all of which were absent in Myanmar. People who had participated in peaceful demonstrations were regularly arrested and detained, and more than 2,000 had been arrested in 1996. Students and fellow workers who participated in these demonstrations were unfortunately forced to seek asylum. He insisted that the Government bring, without delay, its legislation into conformity with the requirements of the Convention, and announce a scheduled time frame for doing so. He urged the Committee to have Myanmar placed in a special paragraph.

The Workers' member of Pakistan regretted that the Government representative had not bothered to reply to the observation of the Committee of Experts concerning the prevalence of the denial of freedom of association in Myanmar. Basic human rights, including freedom of association, as incorporated in ILO core Conventions, were fundamental to all persons and if they were denied these rights, in any country, no social justice could exist. He, along with the Workers' members, fully supported that freedom of association principles be immediately respected in Myanmar.

The Workers' member of the United States stated that the absolute denial of freedom of association must be viewed in the context of the absolute denial of all basic human rights and freedoms by the military regime. Freedom of association received particular attention, however, for the leaders of the military regime understood all too well that freedom of associaion — the right to come together, to organize — was a necessary prerequisite for the protection of all other rights. This case came before the Committee only a few weeks after 316 followers of Nobel Peace Prize Laureate, Daw Aung San Suu Kyi, were arrested in order to keep them from meeting with each other on 27 May, the seventh anniversary of the landslide victory of her party, the National League for Democracy, in national elections. He pointed out that this case had been examined by the Committee of Experts and this Committee on numerous occasions, for many reasons. The most obvious was the hope that, despite the long history of no progress, the unrelenting pressure of the ILO to ensure that the Government respect its obligation, taken together with a growing international campaign to force the military regime to step down and allow civilian self-government, would one day begin to have an impact. Secondly, despite the fact that nothing of substance had been heard from the Government representative thus far, this was yet another opportunity to communicate directly to the representatives of the military regime, the condemnation of the international community. Finally, it provided this Committee with an opportunity to bring to the attention of the Committee of Experts even more information on the violations of freedom of association by the military regime.

The speaker wished to ask the Government representative, given the vague statements that the latter had made earlier on, about the regime's respect for the rights of workers in Myanmar, and why the Free Trade Unions of Burma (FTUB) was not allowed to function inside the country. Moreover, he wondered why workers who were identified with the FTUB were under constant surveillance by the police and the military intelligence, and why they lived in permanent fear of arrest and torture. He strongly supported the view of both Employers' and Workers' members that this Committee had to find a way to express its extreme displeasure over the lack of progress and cooperation from the military regime in even stronger terms than the previous year. The Committee's conclusions should be contained, once again, in a special paragraph of its report as a case of continued failure to apply the Convention.

The Government member of Denmark, speaking on behalf of the Governments of Austria, Belgium, Canada, Denmark, Finland, Germany, Iceland, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom, expressed his deep regret that the Committee, once again, had to examine the violations by Myanmar of the Convention. In addition to the fact that the Government had not sent a report to the Committee of Experts, it regrettably had not been possible for an ILO mission to visit the country, due to the lack of cooperation on the part of the Government. Although the Government representative had told the Committee, the previous year, that it was his Government's intention to apply the Convention, nothing had happened with regard to the right for workers in Myanmar to establish and join independent trade unions. Reference also had to be made to Resolution 1997/64 of the United Nations Human Rights Commission, which had been adopted by consensus. The Government of Myanmar had been asked to "fulfil its obligations as a State party to the Freedom of Association Convention No. 87 of the ILO, and to cooperate more closely with the ILO". He firmly hoped, that it would be possible to agree on a date for a mission to Myanmar in the near future, that it would be undertaken before the next Conference and that the Government would take the necessary measures to ensure fully the right to organize and join independent trade unions.

The Government member of the United States stated that the situation of the rights of workers in Myanmar was, quite simply and very sadly, deplorable. There were no functioning trade unions. Workers continued to be unable to organize freely. Efforts by the ILO to offer technical assistance had proved fruitless and were at present suspended. In addition, seafarers from Myanmar who had attempted to receive fair treatment and wages for their services on international vessels were intimidated and harassed when they returned home. Those who did speak of free trade unions, dared not return to their country for fear of imprisonment by the Government and were obliged to live in exile. Although Myanmar had freely ratified the Convention in 1955, the Committee of Experts and this Committee were obliged to conclude that it was not applied and that freedom of association just did not exist in Myanmar. There were no adequate explanations for this horrible situation. The only appropriate answer was swift and concrete action to fully restore trade union rights in Myanmar. In the meantime, he joined the overwhelming call in the Committee for the strongest possible conclusions in this case.

The Workers' member of Greece invited the members of the Committee who were not familiar with this case to consult the reports adopted by this Committee during its 1994, 1995 and 1996 sessions. In those reports, the Committee had noted the commitment of the Government to bring its legislation and practice into conformity with the provisions of the Convention. The Government representative had just made the same statement again this year. The Employers' members were quite right when they stated that everything had been thoroughly discussed regarding this case. The Committee of Experts also noted the absence of any new element. The list of delegates for this Conference revealed an interesting aspect of the trade union situation: the Workers' member appeared in that list in his capacity of controller of oil wells and sites in the petroleum company. Although Myanmar was a third world country, it had an abundance of resources. By forbidding workers and citizens to organize themselves, a minority was only trying to prevent the majority from organizing itself to defend its own interests. The means available to incite a change of attitude by the Government were unfortunately limited to the adoption of a special paragraph. As we move towards the twenty-first century, other means should be envisaged to deal with such a serious case where a regime did not respect the most fundamental human rights.

The Government representative indicated that an interesting dialogue had taken place in the Committee for improvement in the application of the Convention, both in law and in practice. He stressed that the present Government was building the country into a peaceful, modern and developed nation, after having laid down clear-cut political, economic and social objectives, which reflected the aspirations of its citizens and the objective situation of the country. In this context, efforts for national reconsolidation and the emergence of an enduring new State constitution were being met with success as a result of the goodwill of the Government. It was to be recalled that Myanmar was a union of more than 100 ethnic groups, and that the Government, through its goodwill, had been successful in bringing 15 out of 16 armed groups back into the legal fold. This meant that peace reigned in the country after almost half a century of internal conflict that had held back development.

He stressed that the other important task to which his Government was firmly committed to was the establishment of a genuine multi-party democratic system and the enjoyment of the principles of justice, liberty and equality. At this juncture, although there were no trade union organizations in the actual sense of the term, workers' welfare associations in various industries and establishments were functioning on a tripartite basis. There were more than 2,000 associations of this kind. Workers' supervisory committees at the township level also looked after matters relating to industrial relations. These were clear indications that the Government never neglected the well-being and welfare of workers. The labour administration system was as strong as ever in terms of protecting the legislative rights of workers. There was no doubt that trade unions' rights would prevail within the framework of a new constitution. Stability and national reconsolidation were the prerequisites to reach this desired goal in the shortest possible time. His Government had learned from the painful events that had recently occurred in some countries that hasty changes lead to disorder and instability that resulted in suffering for the citizens. Therefore, it was making efforts at gradual and stable progress towards the goal of a genuine democratic society.

The Committee took note of the statements made by the Government representative and of the wide discussion which had taken place. It recalled that this case has been discussed by the Committee on numerous occasions in 1987, 1989, 1993, 1994, 1995 and 1996. In 1995, the Committee put its conclusions in a special paragraph of its general report and, in 1996 it also mentioned this case in a section of its general report highlighting the continued failure to implement, taking into account that for many years and in spite of various appeals, serious discrepancies with the Convention continued to exist in legislation and practice. The Committee could not but deplore the fact that no Government report had been received by the Committee of Experts and expressed its profound regret that serious divergencies between the national legislation and the Convention continued to exist. It also deplored the fact that the Government failed to cooperate. Being greatly concerned with the total absence of progress in the application of the Convention, the Committee once again urged the Government to adopt, as a priority, the measures and mechanisms necessary to guarantee, in legislation and practice, to all workers and employers, without any distinction and any prior authorization, the right to join organizations of their own choosing to protect their interests. The Committee insisted also on the need for those organizations to have the right to affiliate with federations and confederations and with the international organizations, without any interference from the public authorities. The Committee expressed a firm hope that substantial progress in the application of the Convention might be noted in the very near future and urged the Government to supply a detailed report to the Committee of Experts. The Committee decided that its conclusions would figure in a special paragraph of its report and to mention this case among cases of continued failure to implement Convention No. 87.

Nigeria (ratification: 1960). A Government representative noted that the Committee had shown understanding of the cases that it had examined concerning several member States. He expressed confidence in the objectives of the ILO, especially as they related to human rights and social justice. His Government was deeply committed to acting in consonance with the Convention, which it had ratified in 1960. On previous occasions when the case had been examined by the Committee, the Government had emphasized the threat to internal security, which had placed national living standards in great danger. Nevertheless, the Government had not prevented the trade unions from conducting elections at the unit, branch and zonal level. These elections had been carried out successfully by the country's trade unions without any interference by the Government. With regard to trade union elections at the national level, the Government had appealed to the country's workers to enter into consultations with the object of holding such elections within the shortest possible time. In this respect, the most critical factor was the commitment of workers to the full democracy of the labour movement. Any necessary amendments to the legislation relating to trade unions would be adopted in accordance with the provisions that had already been incorporated in the constitutions of workers' organizations.

With reference to the matters raised by the Committee of Experts, he noted that the Decree and Order adopted in August 1996 had been enacted as a result of a six-month dispute which had affected the country's universities. Under these provisions, a failure to abide by negotiation and arbitration procedures constituted an unfair labour practice. In this respect, he stated that the Convention called upon trade unions to observe the laws of the land. He added that recognition had been restored to the Non-Academic Staff Union of Educational and Associated Institutions.

With regard to the restructuring of the previous 41 registered industrial unions into 29 trade unions affiliated to the central labour organization, he informed the Committee that this measure had been taken as a result of a request by the Nigerian Labour Congress (NLC) to strengthen the collective bargaining machinery. The proposal had been referred to the National Labour Advisory Council, which was a tripartite body, the recommendations of which had been incorporated into Decree No. 4 of 1996. The principal purpose of this measure had been to develop strong and viable industrial unions. In this context, he noted that, in accordance with the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which had been ratified by his country in 1994, the collective bargaining system was effective and had given rise to no complaints by workers' or employers' organizations. While the new measure clearly stated the names of the 29 industrial unions concerned, the registration of the former unions had not been cancelled. Trade unions were therefore recognized in Nigerian law and suffered from no let or hindrance in their activities. This was in accordance with the provision of the 1979 Constitution, which stated that the security and welfare of all people was the primary purpose of the Government. The enactment of Decree No. 4 of 1996 had therefore been based on the need to uphold public safety, the law and morality in order to promote social dialogue and harmony. As a result of these measures, Nigerian workers now enjoyed a degree of independence and freedom that they had not known for many years. It was necessary to consolidate these gains in order to enable workers to assume full responsibility for their affairs. The new legislative measures referred to by the Committee of Experts had therefore been adopted with the best of intentions after very close consultation with the persons concerned, in accordance with the Convention, and reflected the wishes of the trade unions. He thanked the Committee for its understanding and assured it that his Government was willing to play its role in expanding and promoting workers' organizations.

The Workers' members recalled that this case had been the subject of a special paragraph in the report of the Committee in 1995, as well as a paragraph in 1996 which had noted with profound concern the continued failure by the Nigerian Government over a number of years to eliminate the serious violations of the Convention.

Since then, the Government had failed to transmit a report to the Committee of Experts. Although the Government representative had referred to a number of steps that had been taken subsequently, these merely served to further highlight the violations of the Convention. The Committee of Experts had noted with deep regret a serious deterioration in the trade union situation in Nigeria. Decrees Nos. 9 and 10 of 1994, dissolving the executive councils of the Nigerian Labour Congress (NLC), the National Union of Petroleum and Natural Gas Workers (KNAPPING) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), had not been repealed and these unions were still being run by the administrators appointed by the Government. A number of Decrees adopted recently further aggravated the situation of trade unions in the teaching sector, universities, hospitals and research institutes. Decree No. 29 of 1996 prohibited trade unions from affiliating with any international organizations. Moreover, the Government had reinforced the system of trade union monopoly set out in the law through Decree No. 4 of 1996, which had once again restructured trade unions.

In Case No. 1793, the Committee on Freedom of Association had continued to call for the release of trade unionists who had been imprisoned since 1994 for having participated in legitimate trade union activities. It had also called for the repeal of Decrees Nos. 9 and 10 and for the holding of trade union elections without interference by the public authorities and for the lifting of the suspension of the automatic check-off of trade union dues. The Committee on Freedom of Association had also regretted the lack of cooperation by the Government in responding to the repeated calls for it to authorize an ILO mission at the earliest possible date. It had later reiterated its request in even stronger terms. (See the 306th report of the Committee on Freedom of Association, March 1997, paragraphs 45 to 47.)

The Workers' members requested the Government to indicate whether it had the real intention of receiving a direct contacts mission from the ILO. They also sought assurances that the Government would quickly reinstate the right of workers to establish organizations of their own choosing, to freely elect their representatives and to formulate their programmes without interference from the public authorities.

In conclusion, the Workers' members reminded the Committee that, despite the fact that Nigeria was a member of the Governing Body, the horrors of the judicial murders of Ken Sarawiwa and others were still fresh in everyone's minds. They therefore called on the Nigerian Government to take urgent measures in both law and practice to allow Nigerian workers to establish and join unions of their own choosing, to structure those unions as they saw fit and to pursue their trade union activities without government interference. Furthermore, it should release all detained trade unionists immediately. The Committee should include its conclusions on Nigeria in a special paragraph.

The Employers' members deplored the fact that, despite the weighty concern with which the Committee of Experts and this Committee had treated this case during the 1980s, there had not been a single improvement, but instead the situation had worsened. In the last few years, very serious measures had been taken to dissolve by a Decree of 1994 the executive committees of three trade unions, replaced by government-appointed administrators. This was a clear violation of freedom of association. In addition, new Decrees impeded the union affiliation of teaching staff. By decree or legislation, 41 unions were restructured into 29 and the National Labour Congress was created. This trade union monopoly was imposed by the Government and the NLC was the only central union designated by name in law, in clear violation of the Convention. The restructurings preceding the union movement were revoked and a Decree of 1996 went much further in the restrictions it imposed. They regretted that after so much time freedom of association did not exist in Nigeria. The total lack of collaboration of the Government with the Committee of Experts, which noted that no report had been received this year, and with the Committee on Freedom of Association, as well as the negative response towards accepting an ILO mission, amounted to a very serious situation. The moment for change had arrived and the Employers' members supported the inclusion of this case in a special paragraph.

The Workers' member of Nigeria, on the subject of Decrees Nos. 9 and 10 of 1994, stated that a number of Nigerian workers had been involved in the promulgation of these Decrees. Moreover, as soon as the NLC had been dissolved, certain trade unionists had submitted proposals for new executives of the organization, instead of joining together to accept or condemn the Decrees. He therefore emphasized the need for ILO educational programmes and would welcome an ILO mission.

He added that Nigerian workers had accepted Decree No. 4 of 1996 and noted that the constitutions of industrial unions in Nigeria agreed with the provision. Those who opposed the Decree did so because it prevented persons who were not members of the occupation from holding elective office in industrial unions. However, similar provisions had been in existence since 1973. It was therefore clear that their opposition was based on selfish motives. This had not prevented them from touring the country and calling for a boycott of the NLC election. This was another area in which Nigerian workers called for ILO assistance to help trade union members who were genuinely interested in the democratization of the trade union movement and the improvement of workers' welfare.

In view of the evident duplication of certain industrial unions, which had even resulted in court cases, Nigerian workers had started moves in 1993 to consolidate the trade union movement and had been helped in this aim by the Government. With a view to the democratization of the NLC, many meetings of industrial unions and the state councils of the NLC had been held. The Government had given the go-ahead to the process and the workers of Nigeria therefore hoped that the Government and the ILO would assist them in the realization of their dream.

The Workers' member of the United States strongly condemned the gross violation of human rights by the Nigerian military regime, including serious breaches of freedom of association principles. He recalled the observation of the Committee of Experts according to which it noted that there had been no progress made in bringing legislation and practice into conformity with the Convention. In fact, he added that the trade union situation continued to deteriorate seriously. The most immediate concern was the welfare of those trade unionists unjustly imprisoned without charge. The continued illegal detention of union leaders, Frank Kokori and Milton Dabibi, in conditions where they were not able to communicate with their family members, access proper medical care, or consult with their attorneys, was an outrage. In addition, it appeared that, in early May 1997, Mr. Kokori's home was vandalized and his wife and son were roughed up and threatened, shortly after she publicly spoke out calling for her husband's release. With regard to legislative measures taken, Decree No. 29, implemented in secret in October 1996, sanctioned criminal and monetary penalties on any trade union or individual trade union activist maintaining connections to any international trade union organization. It served to nullify existing affiliations and banned any future arrangements in this regard without the expressed approval of the administrator of the Nigerian Labour Congress (NLC). It was difficult for him to reconcile the Government's version of events with the observations of the Committee of Experts and the facts they reflected. The Conference Committee had to request the military regime in the strongest terms to immediately release all trade unionists imprisoned for their trade union activities, to allow them access to adequate medical care until they were released, and to ensure that they were allowed to meet with their families and their attorneys. He concluded by fully supporting the position of the Workers' members in expressing extreme displeasure over the lack of progress and cooperation from the regime in a special paragraph of the Conference Committee's report.

The Workers' member of Colombia stated that in Nigeria freedom of association did not exist in practical terms, and that the Government did not have the political will to fulfil the commitments assumed when it had ratified the Convention which implied the guarantee of the right of Nigerian workers to organize and bargain collectively. The acts and laws denounced by the spokesperson for the Workers' members demanded an urgent response and an official warning to guarantee trade union rights and respect the forms of organization of workers without intervening or interfering. He supported the inclusion of the case in a special paragraph.

The Government member of Finland, on behalf of the Governments of Denmark, Finland, Iceland, Norway, Sweden and Switzerland, expressed their deepest concern with regard to the serious violations of human rights in Nigeria. They deeply deplored the persistent deterioration of trade union rights, described by the Committee on Freedom of Association as a "systematic approach to diminishing trade union rights". The Governments shared the deep concern of both the Committee of Experts and the Committee on Freedom of Association about the trade union situation in Nigeria since no progress had been made in spite of the comments that the ILO had been making for several years. Therefore, they urged the authorities in Nigeria to guarantee the effective enjoyment of human rights at the workplace and requested that immediate and concrete steps be taken to fulfil the commitments entered into by ratifying Convention No. 87.

The Workers' member of Sweden, speaking on behalf of the Workers' members of the Nordic countries, endorsed the urgent appeal made by the Committee of Experts to the Government of Nigeria to comply with the Convention and cease interference in internal trade union matters. He expressed deep concern at the deterioration in the situation and called for the immediate release of detained trade unionists. He recalled that, despite being mentioned in a special paragraph of the Committee's report in 1995, Nigeria had become a member of the Governing Body and simultaneously achieved another special paragraph in 1996. Some governments might have thought that, as a result of its membership of the Governing Body, Nigeria would change its practices and comply with the fundamental human right of freedom of association. In his view, membership of such a body implied an obligation to act on behalf of all the members of the organization concerned and to defend and promote the basic values and principles of that organization. Unfortunately, Nigeria seemed to have a different view. He therefore urged the Government of Nigeria to acquaint itself with the ILO's principles on freedom of association. In this respect, he noted the Government's failure to fulfil its promise made in 1996 to repeal Decrees Nos. 9 and 10. Furthermore, it had also failed to comply with the request made by the Workers' member of Nigeria in the same year to release Mr. Kokori and Chief Milton Dabibi, who were being held in jail without charges or trial. In conclusion, the Workers' members of the Nordic countries supported the inclusion of this case in a special paragraph of the Committee's report.

The Workers' member of Tunisia recalled that, since 1994, the trade union situation in Nigeria had been consistently worsening, in particular because of the measures taken by the Government to shackle the trade union movement in the country. The Decrees which the Government had adopted aimed at splitting the trade unions and constituted a serious attack on freedom of association. More precisely, the Decrees adopted over the last few years were in flagrant violation of the provisions of this Convention. The measures taken by the Government, such as the dissolution of the legitimate Nigerian Labour Congress (NLC), its appointment of an administrator to oversee trade union affairs, and the ban on the right to organize of workers in sectors designated as essential, demonstrated the Government's wish to attack and annihilate all free and independent trade unionism in Nigeria. The general climate of social tension and violence, together with persecution, arrest, harassment, torture and assassinations, was in stark contrast to the requirements for the respect and effective implementation of the Convention. Finally, he supported the severe comments made by the Committee of Experts and by the Workers' members.

The Government member of the United Kingdom, also speaking on behalf of the Governments of Germany and the Netherlands, fully supported the statement made by the Government member of Finland. The Governments on whose behalf she was speaking were deeply concerned at the promulgation of Decrees which had severely and unacceptably curtailed trade union activities in Nigeria. The continued abuse of basic workers' rights, including the detention without charges of trade union leaders, was totally unacceptable. In view of the serious concern of the Committee in this case, as noted in two special paragraphs, she expressed extreme disappointment that the ILO mission had still not been able to visit the country. Such a mission was crucial to enable all sides to set out their concerns and discuss how best to improve the situation. It was imperative that an ILO mission take place as a matter of urgency. She also urged the Nigerian authorities to take immediate steps to release all detained trade union leaders and noted that resolution 1997/53 of the United Nations Human Rights Commission had already called upon the Nigerian Government to ensure the observance of human rights and fundamental freedoms by releasing trade union leaders. By such action, the Nigerian Government would be able to demonstrate whether it had any serious commitment to the principles of the ILO.

The Workers' member of Pakistan emphasized the gravity of the case, in which the Government continued to violate fundamental principles that had been recognized from the very beginning of the ILO as one of the cornerstones of peace and social justice and as being essential to sustained progress. The Government representative had claimed that the trade union legislation had been changed on the recommendation of a tripartite board and that the NLC and other organizations had been dissolved for reasons of public order. He could only implore the Government representative to show respect for principles that went to the heart of the ILO. No member State could overturn those principles on the basis of mere consultation or interpret them in its own manner. He explained that the restriction placed on the employment of full-time officials by trade unions considerably weakened the position of workers' representatives by making them dependent on an employer for their livelihood. In view of the very serious violations of most of the basic provisions of the Convention and the deterioration in the situation of trade unions in the country, the Government should take immediate action to lift the restrictions in question, release detained trade unionists and cease interfering in trade union affairs. He supported the call to place the Committee's conclusions on this case in a special paragraph.

The Government member of the United States recalled that Nigeria was participating at the Conference this year without having taken any steps whatsoever to improve its application of the Convention or to provide Nigerian workers with basic, universally recognized human and trade union rights. If anything, the situation had deteriorated. Nigeria's lack of regard for its international commitments, and indeed its own citizens, was deplorable. The entire international community was frustrated with Nigeria's failure to respect human rights, as illustrated by the recent appointment by the United Nations Human Rights Commission of a human rights rapporteur for Nigeria. Trade unionists all over the world were justifiably pessimistic about the Government's intentions in view of its complete stranglehold over free and independent trade unionism in the country. The Committee had no choice but to criticize Nigeria's failure to apply the Convention in the strongest possible terms.

The Workers' member of South Africa recalled the statement by the Workers' member of his country in the Committee's discussion of this case in 1995. He had referred to the apartheid period in South Africa and expressed his empathy and solidarity with Nigerian workers in their struggle against the basic denial of human and trade union rights. However, the situation had worsened since 1995. The Nigerian military government was guilty of gross interference in trade union affairs and had run the NLC for three years. It had forcibly merged the NLC's 41 affiliates into 29 unions. Frank Kokori and Milton Dabibi had been detained without charges or trials and he called upon the military government to inform the Committee of the evidence against them. He added that the Government had adopted legal provisions with the aim of bringing independent trade unionism to its knees in Nigeria. Decree No. 29 of 1996 banned the NLC and its affiliated unions from becoming members of international trade union organizations. He recalled that the Government had introduced a similar measure in 1989, but had withdrawn it in 1991 following widespread condemnation by the ILO and the international trade union movement. The increasing denial of trade union rights, civil liberties and democracy in Nigeria meant that the case should once again be included in a special paragraph.

The Workers' member of the United Kingdom noted that the Committee of Experts had expressed its concern at the situation in Nigeria in very strong terms. Time and again, the Committee on Freedom of Association had clearly stated that freedom of association could only be exercised under conditions in which fundamental human rights, including in particular those relating to human life and personal safety, were fully respected and guaranteed. This concern had been reflected by other United Nations bodies, including the General Assembly and the Human Rights Commission, as well as by the Organization of African Unity, the European Union and respected non-governmental organizations such as Amnesty International. Nevertheless, human rights violations continued in the country, along with the continuing repression of trade unions and trade unionists. She drew attention to the impact of Decree No. 29 of 1996, adopted in October 1996, but only made public at the beginning of 1997. This Decree empowered the Minister of Labour to cancel the registration of any of the 29 NLC affiliates if he considered their activities to be at variance with the national interest. Although trade unions could appeal against such a decision to the Minister, the decision could not be challenged in the courts, in clear violation of Article 4 of the Convention, so that even though the Experts had noted a deterioration in the situation in their Report, there had been introduced yet further violations since the Experts had reported. With regard to the detention of trade union leaders, she emphasized that the situation in Nigeria was intolerable. The judicial murders of Ken Sarawiwa and the Ogoni tribesmen remained indelibly imprinted on everyone's minds. The thoughts of all trade unionists throughout the world went out to their colleagues who were isolated in Nigerian jails without charges or trial, denied health care and the most basic rights, including contact with their families and lawyers. She therefore called upon the Government to answer questions that had already been raised in 1996. What were the charges on which these trade unionists were being held? What was the evidence? Why were they being denied access to lawyers? Why had they been refused medical attention? Why had they not been granted family visits? Finally, she requested the Government to state whether it would now set a date for the ILO direct contacts mission called for since 1995 to visit the country and the detained trade unionists.

The Government member of Canada expressed her country's deepest concern with regard to the persistent and unacceptable deterioration of trade union rights in Nigeria, as described in the report of the Committee of Experts. Since the Conference Committee addressed these issues in June 1996, additional Decrees, restricting further the right of trade unions to organize and elect representatives in full freedom, had been adopted by the Nigerian Government in total disregard for and disrespect of the recommendations of this Committee and the fundamental rights of Nigerian workers. Moreover, in spite of concerns expressed, in 1996, by the Conference Committee with regard to the illegal detention of trade union leaders, and the recent resolution of the United Nations Commission on Human Rights (1997/53) urging the Nigerian Government to release all detained trade union leaders, no progress had been made in this regard. She urged the Nigerian Government to make arrangements, at the earliest possible date, for an ILO mission to examine the issues under discussion in this Committee and the Committee on Freedom of Association, and to take immediate steps to release all detained trade union leaders, and to bring its law and practice into conformity with the provisions of Convention No. 87.

The Workers' member of Swaziland reaffirmed the fact that the Government was fully aware of what was expected of it as a party to the Convention for 38 years and as a member of the Governing Body. Nevertheless, it deliberately continued to flout the dictates of human dignity and social justice. As a member of the Governing Body, Nigeria was supposed to lead by example, but was doing just the opposite in denying the fundamental trade union rights and perpetrating malicious arrests, detentions and disappearances. It set up arbitrary courts with the power to impose death penalties, while denying access to lawyers. Its interference with trade union rights extended to their dissolution and the abolition of the check-off system. It extended the list of essential services at will to include such professions as teachers and bank workers. Champions of oppression could not at the same time be champions of social justice. The current dictatorship and intolerant climate was not a conducive environment for human and trade union rights. Moreover, by claiming that Nigerian workers were in agreement with the measures taken by the Government, the Worker representative from Nigeria had made himself an accomplice to the arbitrary measures committed in that country. True trade unionists were not impressed by government-sponsored workers' representatives who supported injustice.

The Government representative assured the Committee that his Government would take account of all views that had been expressed in good faith. However, he noted that the comments made concerning a lack of cooperation were mainly related to the proposed ILO mission. The Government favoured the proposal, but a mutually convenient date needed to be agreed upon and consultations should continue on this subject. He denied that Decree No. 29 of 1996 restricted effective trade union organization in Nigeria. Moreover, although it established the prescribed procedures to be adopted for affiliation to international organizations, it did not prohibit such affiliation. Decrees Nos. 9 and 10 of 1994 were transitional measures which would be repealed when the respective trade union elections had been held. He regretted that the Committee was not fully informed of the situation in his country. Some of the information on which comments had been made was already out of date. But the Committee had been able to note that Nigerian workers were happy with the reforms and gave them their unequivocal support. He suspected that a visit by an ILO mission to Nigeria would confirm his comments. As on other occasions, if errors were to be found in the application of the Convention, the necessary measures would be taken in good faith. However, there could be no doubt at the present time concerning the adequacy of the freedom of association enjoyed by Nigerian workers with their registered trade unions grouped into a single central organization. It was regrettable that three industrial unions were still run by appointed administrators, but urgent steps were being taken to redress the situation. Of the 62 registered associations in the country, 59 were run by their freely elected leaders. He emphasized that the objective of the Government in its reforms was to place Nigerian worker's organizations on an enhanced footing in order to contribute to the best possible interaction between workers and society at large. He had taken note of all the comments that had been made and requested the Committee to exercise patience and understanding. His Government was committed to the full achievement of the ideals of the ILO. The trade union measures that had been introduced were in the overall interests of the workers and would lead to an improvement in the overall security situation. He emphasized that workers had a major role to play in the development of the country and that the current administration was committed to ensuring that no constraints were placed on labour to prevent it from playing an effective part as one of the pillars of production.

The Workers' members pointed out that, despite his lengthy intervention, the Government representative had not replied to the questions raised by the members of the Committee. Very clear answers needed to be provided to these questions. In view of the gravity of the case and the long history and overwhelming evidence of gross violations of the Convention, they called for it to be placed in a special paragraph for continued failure to implement the Convention.

The Employers' members reiterated the position they had expressed earlier.

The Committee noted the statement of the Government representative and of the debate which followed. The Committee set out its great concern that, although this case had been the subject of a special paragraph in 1995 and 1996, no concrete progress had been made to date in relation to the very grave trade union situation in the country. Both the Committee of Experts and the Committee on Freedom of Association had profoundly deplored the gravity of the situation of trade unions in Nigeria. The Committee once again urged the Government to urgently derogate not only Decrees Nos. 9 and 10 of 1994, concerning dissolution of the executive councils of trade unions persecuted by the public authorities, but also to nullify the Decree of January 1996, which fixed the number of trade unions for each category of profession, and which reinforced the current trade union monopoly. The Committee lamented that notwithstanding the guarantees given by the Government, it had not replied to the request of the Committee on Freedom of Association and the Governing Body to accept an ILO mission to the country with the object of examining the questions raised in this case. The Committee called on the Government to accept without delay this mission in order to examine the trade union situation in Nigeria, including the situation of the imprisoned union leaders. The Committee urged the Government to ensure full respect of civil liberties, essential for the exercise of freedom of association. The Committee expressed the firm hope that it would be able to count on important progress in the very near future and asked the Government to send a detailed report to examine anew next year the situation. The Committee decided to include this case in a special paragraph of its report and to mention it as a case of continued failure to implement the Convention.

The Government representative expressed apprehension at the suggestion that no progress had been made with regard to the application of the Convention. He had already explained the overriding need for basic reforms in the Nigerian labour movement. He noted in this respect that the same applied to many other countries. He reaffirmed his belief that the ILO was the organization best suited to assist Nigeria in achieving the basic aims of these reforms, which were to the advantage of all concerned.

Swaziland (ratification: 1978). The Government supplied the following information:

With regard to Article 2 of the Convention, the status of the Prison Staff is comparable to that of the Royal Swaziland Police and the Swaziland Defence Force: all three are considered as part of the armed forces.

The obligation for workers to organize along industry lines is not known to pose any functional problems and no complaints have been submitted by organizations so far. There is a very small labour force in Swaziland and the multiplicity of unions within the same industry may interfere with the strength of labour unions. The risk facing unions in Swaziland as regards multiplicity is that some unions may exist on paper only, with no real power. Similarly, the power of the Commissioner of Labour to refuse to register a union is due to the small size of the labour force.

There has been a change since the entry into force of the Industrial Relations Act, 1966. Section 41(1) of the Act only provides for consultation of the Minister as opposed to seeking his authorization, which was the case under the 1980 legislation.

With regard to Article 3 of the Convention, the limitation on the activities of federations is necesarry to avoid jurisdictional conflicts between federations and unions. Limits on carrying out political activities are a question of degree. According to the terms of Section 42(1) of the Industrial Relations Act, 1996, federations are entitled to express views on any matter of public administration and public policy. Beyond this point, however, federations risk violating state security-oriented legislation.

Concerning the prohibition of strike action in the postal and public services, this is due to the importance of these services. The teaching service, however, has been removed from the list of essential services (Section 73(6)(a) of the Industrial Relations Act, 1996).

As in any country, the national interest is of paramount importance. The Minister, however, is not the final authority in determining the national interest: his perception of national interest has to undergo the test of the court (Section 70 of the Industrial Relations Act, 1996).

With regard to Section 12 of the 1973 Decree on Meetings and Demonstrations, it is not the intention of this Decree to restrict labour organizations which operate as labour organizations (see also Section 40(2) of the Industrial Relations Act, 1996).

The Industrial Relations Bill of 1995 has now been enacted. The Employment Amendment Bill is still before Parliament.

In addition, a Government representative, the Minister of Labour and Public Service, reaffirmed his Government's commitment to upholding the principles of the ILO as enshrined in its Constitution and the Declaration of Philadelphia. He supported the sentiments expressed by various delegations that had reiterated the need for strengthening the supervisory machinery for the sake of realizing the goal of social justice. There was an equal need to strengthen the ILO's advisory services in order for the constituents to reap the maximum benefit of their membership in the Organization. Ratification of standards in itself was not enough since, after ratification, countries needed to implement them. Of the 31 Conventions ratified by Swaziland, his country had implemented them all, although some discrepancies had been observed. He referred to the written information provided to the Committee. Referring to the observation of the Committee of Experts on the extent to which the Industrial Relations Act, 1996, was found wanting in relation to the Convention, he had noted, with great interest, that it acknowledged that his Government had tried to some extent to bring the law and practice into line with the Committee's previous comments on the legislation, by removing the teaching service from the essential services list. At the same time, some discrepancies had been observed which needed to be rectified. In a document prepared for a meeting of the Labour Advisory Board due to take place on 27 June 1997, his Government would bring these points to the attention of that Board in an effort to bring the recommendations already proposed by the Labour Advisory Board into conformity with ILO standards as much as practice allowed. This arrangement was in keeping with the assurances he had given during the 268th Session of the Governing Body during which he had stated that his Government had no aversion to any proposal to amend the current legislation. His Government was committed to social dialogue and believed that all doors to social dialogue should be open for all concerned. The Prime Minister had indicated that the Industrial Relations Act would be amended if it threatened the nation's peace. This policy statement was later drafted into the Government's Economic and Social Reform Agenda, which was a reform programme with specific deadlines. If all went well and representatives of both capital and labour cooperated with the legislative reform programme, a Bill would be ready by the end of August 1997. The speaker encouraged the Office to consider focusing technical cooperation in his country as a matter of urgency. In this regard, a tripartite meeting of the Swaziland delegation was scheduled in Geneva on 16 June 1997, to be chaired by a senior official of the ILO, and to form part of an ongoing process of consultation and assistance which had begun earlier in the year when his Government's attention had been drawn to the discrepancies in the Industrial Relations Act. It was to be hoped that such interaction would go a long way towards addressing the situation through constructive dialogue.

The Workers' members pointed out that the previous year they had noted that this was one of the most serious cases before the Committee. It was therefore of grave concern that a further deterioration rather than an improvement had occurred. The climate of fear, intimidation and harassment of trade unionists continued. In its observation, the Committee of Experts had noted that the 1996 Industrial Relations Act not only perpetuated most of the previous discrepancies between the legislation and the Convention, but contained new provisions which contravened even further some of the core requirements of the principles of freedom of association enshrined in Convention No. 87. The Act imposed penal sanctions for legitimate trade union activities. Section 30 of the Act granted the Labour Commissioner the power to refuse registration of a trade union if a union already existed in that sector. Moreover, the Act prohibited federations from calling rallies or mass meetings, all of which was in violation of the principles of freedom of association. The Committee of Experts made explicit mention of section 40(3) of the Act which prohibited a federation or any of its officers from causing or inciting the cessation or slowdown of work or economic activity upon punishment of imprisonment. Equally severe penalties applied to organizations or office holders calling for, organizing, or giving financial support to strikes in essential services. However, the Act gave a broad definition of essential services and the Minister of Labour had unilateral powers to amend this definition. The Attorney-General could apply for an order to stop a strike and the Minister of Labour could apply to ban a strike on the basis of national interest which was not defined. The Act severely violated the right to organize and to strike which was clearly contrary to the decisions of the Committee on Freedom of Association which had established that no one should be deprived of their freedom or be subject to penal sanctions for the mere fact of organizing or participating in a peaceful strike. The Government had introduced this Act without any direct consultation with the social partners. Furthermore, when a tripartite forum rapidly approved a protocol containing 62 unanimously agreed amendments to the Bill, the Government took no heed and had its own original version of the legislation adopted. The Workers' members noted that, according to the direct contacts mission, the Government had been unable to give any convincing explanation for the refusal to amend the legislation so as to take account of the subsequent proposals of the Labour Advisory Board submitted during March 1996. These proposals were substantially similar to those contained in the tripartite protocol. In addition to this new Act, there were other legislative provisions which violated the requirements of Convention No. 87. The 1973 Decree on meetings and demonstrations restricted the right of organizations to hold meetings and demonstrations. Under the Public Order Act, 1963, police permission was needed for certain meetings and public gatherings. Moreover, the police could attend union meetings. Recent events gave cause for great concern. In January 1997, the Swaziland Federation of Trade Unions (SFTU) called a stay-away in an attempt to put pressure on the Government to negotiate 27 demands which related, inter alia, to economic, labour, social and affirmative action issues and called for the lifting of the state of emergency, imposed since 1973, which remained in force. Tripartite discussions had agreed that immediate action could be taken on 16 of these 27 demands if the political will to do so was there. The Committee on Freedom of Association had decided that the two actions taken in support of the 27 demands — one in January 1996 and another in January 1997 — constituted legitimate trade union activity. It had considered that the declaration of illegality concerning these national strikes, taken in protest against the social and labour consequences of the Government's policy, constituted serious violations of freedom of association.

The Workers' members outlined other infringements, in practice, of the Convention: between the night of 31 January-1 February, 1997, four leaders of the SFTU were arrested under section 12 of the Public Order Act, 1963, on charges related to intimidation, for which bail was not granted. All were subsequently acquitted. In dismissing the case, it was reported that the judge used harsh words to the effect that there had never been a case to answer in the first place. This reflected a similar position taken by the judge who had presided over the case against Mr. Jan Sithole of the SFTU and other trade union leaders taken in January 1996, and who was subsequently demoted. The Government was openly using the media to threaten trade unionists and trade union activity. There was evidence of intimidation of the media not to give coverage to trade union activities or the SFTU. The Workers' members noted that, despite the comments made by the Government representative in the discussion of this case last year, broadcasting was still listed in section 73 of the Industrial Relations Act as an essential service, despite the pertinent decisions of the Committee on Freedom of Association. The Government was continuing to use the police and armed forces directly to break up trade union meetings and disrupt legitimate trade union organization, such as the 1 February 1997 raid and search without warrant of the SFTU offices. It was using bullets, tear gas and beatings to break up assemblies, such as the 11 February 1997 shooting at Big Bend. It was perpetuating and intensifying the climate of fear and intimidation surrounding trade unions and trade union activity, such as the incident on 3 February 1997 when 150 armed police fired on 23 General Council members of the SFTU and ordered them to go to a local police station where they were locked in a tear gas filled room, beaten and individually questioned for several hours. It was extending the violence and intimidation to encircle the families, friends and relatives of those trade unionists, such as the February 1997 harassment of Mr. Sithole's mother and close relatives while he was in jail. The Workers' members stressed that the Committee on Freedom of Association had stated clearly that freedom of association could only be exercised in conditions in which fundamental human rights and, in particular, those relating to human life and personal safety, were fully respected and guaranteed. Violence, fear and intimidation and the lack of freedom of expression were incompatible with Convention No. 87, as was the lack of democratic process. So it was with deep concern that the Workers' members noted that there had been no progress on changing the national Constitution, since Swaziland was the only south African country where multi-party democracy had not been introduced. The suspension of the SFTU was now lifted, but not so for the trade unions which had been deregistered under the Act just two weeks ago, and which had lost their right to function, to collective bargaining and to represent their members on the Labour Advisory Board. This deregistration had been carried out by the Labour Commissioner on the spurious grounds that the unions had not submitted their annual returns, even though the Act did not define the period of the financial year. Such administrative dissolution of trade union organizations constituted a clear violation of Article 4 of the Convention and was a measure which should be taken only by judicial decision so that the rights of defence were fully guaranteed.

The Workers' members urged the Committee to adopt extremely firm conclusions in this case since the Government appeared, at best, complacent and, at worst, contemptuous of the supervisory procedures and authority of the ILO. It was time to give a clear message to the Government as there had been ample opportunity to make progress and this had not happened. In practice, the situation had deteriorated. Specifically, the Workers' members wanted to see, within a clearly defined timetable, progress in accordance with the comments of the Committee of Experts and the decisions of the Committee on Freedom of Association on the following points: amendment of the 1963 Public Order Act so that it would no longer be used to oppress legitimate and peaceful strike action in contravention of the principles of freedom of association; repeal of section 12 of the 1973 Decree which placed important restrictions on the right of organizations to hold meetings and demonstrations, so that trade union organizations could operate freely without fear of police interference in trade union affairs; amendment of the 1996 Industrial Relations Act to bring it into conformity with the requirements of the Convention, giving due consideration to the proposals made by the Labour Advisory Board. They asked that the Government ensure that the social partners were fully involved in this process and that the technical assistance of the ILO be sought so that progress could be reported before the next meeting of the Governing Body in November 1997; that it stop any further harassments, threats, malicious arrests, intimidation and victimization of workers, their leaders and their families; and authorize freedom of the press and freedom of expression; establish independent inquiries into the many incidents which had taken place over recent months, including the dismissal of Mr. Jabulani Nxumalo, Assistant General Secretary of the SFTU; and enter into positive and meaningful negotiations on the 27 demands. The Workers' members concluded that this was a case of the most gross, wide-ranging and fundamental violation of the Convention and the principles of freedom of association. The Government should immediately commit itself to the full implementation of the recommendations of the direct contacts mission in a defined, short period of time and accept permanent monitoring of the implementation of these developments by the ILO.

The Employers' members recalled that the application of Convention No. 87 by Swaziland had been already examined by the present Committee in 1996. This case involved numerous restrictions on the exercise of the fundamental rights and freedoms guaranteed by the Convention and, in particular, interference in the internal affairs of the trade unions; the non-recognition of the right of association of a certain group of workers; the power of the Labour Commissioner to refuse to register trade unions if he was satisfied that an already registered organization was sufficiently representative; and the restrictions of the right to organize meetings and to hold peaceful demonstrations. These were flagrant violations which were, on the whole, the same that had been brought to light last year. On the question of restrictions on the right to strike, the Employers' members referred to their own well-known position according to which the point of departure was not an unlimited right to strike. There was no basis in the Convention for the unlimited right to strike, the provisions of the Convention would be infringed where the right to strike was constrained to such an extent that it no longer existed. He recalled that strikes always had an impact not only on the interests of the conflicting parties but also on the rights of persons who were not concerned with the conflict of interests. It was also reasonable to balance the interests of the conflicting parties on the one hand, and of the general public on the other. As for what concerned the qualified majority required when voting on strike action, it was not excessive in itself. What was worrying was that the Industrial Relations Act, 1996, worsened, not improved, the situation. Referring to the direct contacts mission which had taken place last year, they stated that an invitation for such a mission usually constituted proof of the readiness of the Government to change its law and practice to improve the situation. However, the position of the Government with respect to the required changes remained unclear. Although the Government representative mentioned, for example, the existence of tripartite consultations, he did not explain in which manner and on what subjects these consultations were held.Turning to the conclusions of the contacts mission report, the Employers' members recommended to incorporate those points into legislation on which the social partners had already reached an agreement. The Government should accept these recommendations and incorporate them into the legislation. It should provide detailed information, so as to enable this Committee to review the case, if necessary.

The Workers' member of Swaziland pointed out that his country was a signatory to various national instruments but had been in a state of emergency since 12 April 1973 when the rights of citizens had been usurped. This left workers as the only voice for the downtrodden and they had presented to the Government the popular "27 demands" which dealt with, inter alia, labour-related, economic, human and civil rights issues. The Government had ignored the demands, but the SFTU asked for a tripartite forum to look into them through dialogue. A series of tripartite structures was thus set up which deliberated on all the issues and advised the Government accordingly, but again, it ignored all their recommendations. Several international and regional workers' organizations visited Swaziland between 1995 and 1997 in order to help find a solution and their advice was also ignored by the Government on the pretext that it constituted foreign interference in national sovereignty. The Government's inaction had been met with a wave of industrial action, to which the authorities reacted with arrests and the shooting of workers, the lodging of applications in the High Court, for court injunctions to declare intended strikes unlawful; the issuing of extraordinary gazettes declaring the strike unlawful if the Government failed in its court applications; and judges who refused applications would suffer reprimands, demotion and/or dismissal. He considered that the Government had acted in bad faith since it acknowledged the violations of the Convention before international fora and yet remained intransigent at home. The Government had deceived the social partners because it had promised to table amendments to the Act in March 1996, but to date, no such amendments were before Parliament. Furthermore, the Government was not truthful when it stated that it was not aware that trade unions were being harassed: its security forces regularly raided trade union offices, interrupted trade union meetings, detained and arrested trade union leaders and members (including the 23 members of the general council of the SFTU) and physically assaulted them. After describing some of the infringements in practice of the Convention, the speaker stated that the 1996 Act's provisions were a flagrant legislative violation of the Convention and in serious breach of the principles of freedom of association. He expressed the belief that Swaziland and other Governments which were also members of the ILO Governing Body must be advocates and die-hard defenders of ILO principles, especially social justice; and, as such, must lead by an example of exemplary behaviour. Therefore, he agreed with the Committee of Experts and the Committee on Freedom of Association that the Government should bring the legislation into conformity with the requirements of the Convention. The 27 demands should be dealt with seriously once and for all. A clear deadline had to be set for the Government specifying when these issues would have to be tackled and resolved, and the ILO's technical assistance could help in the amendment of the Act. He proposed that this case be mentioned in a special paragraph of the Committee's general report.

The Employers' member of South Africa pointed out that in this case there had been many promises but little progress. The Committee of Experts' observation noted that not only did the 1996 Industrial Relations Act perpetuate the previous discrepancies between the legislation and the Convention, but it contained new provisions which further contravened the terms of the Convention. The Government's behaviour in drafting this Act disclosed a series of breaches of undertakings made to the social partners. In March 1994, a tripartite committee had been established by the Government to consider a series of demands made by the SFTU and significant progress had been made on 21 of the 27 points raised by the Federation. Although the Government expressed its support for some of the recommendations of the tripartite committee, it indicated that it would formulate its own proposals in the form of amendments to the legislation. Early in 1995, the Government published a draft Bill for comment and later tabled it in Parliament but the social partners had not been consulted. Further discussions were held between the Government and the social partners before the Bill reached the Senate because there was general disagreement with a number of its provisions. In July 1995 the tripartite forum adopted a resolution to the effect that it would identify unacceptable aspects of the Bill and attempt to agree on amendments acceptable to all parties. The Government undertook to submit these amendments at the same time as the Bill was presented to the Senate. In September 1996 the tripartite forum formally adopted a protocol containing 65 proposed amendments to the Bill. However, the Government introduced the Bill to the Senate without the amendments. The parties in the tripartite forum expressed their dismay over this turn of events and the Government's good faith was questioned. After the enactment of the Act, further efforts to review it were initiated and the SFTU's concerns were referred to the Labour Advisory Board, which in March 1996, submitted proposals for amendments to the Minister. They had not yet been introduced in Parliament. So the history of this legislation reflected some form of general agreement between the social partners, but mostly a history of unfulfilled promises by the Government. The direct contacts mission that had visited Swaziland in October 1996 noted that no convincing explanation could be given by the Government for either its unilateral decision to redraft the Act or for its refusal to introduce the amendments to the Act proposed by the Labour Advisory Board. Therefore, while he had noted the Government representative's expression of support for the ILO's Constitution and Conventions, what was needed now was some progress in Government action. It should move without further delay to implement the recommendations of the direct contacts mission, with guidance and technical assistance from the ILO.

The Workers' member of the United States pointed out that this was the second consecutive year that this case, which involved fundamental violations of the Convention, was before the Committee. In addition to the violations of a legislative nature, as reflected in the observation of the Committee of Experts, this Committee had heard in great detail about the violations in practice, in particular the intensifying campaign of intimidation and harassment of union leaders and their families. This pattern of behaviour by the Government demonstrated its disdain for the ILO and this Committee. However, it was important to point out to the Government that its behaviour had caught the attention of the Committee of Experts and this Committee, as well as that of the international community. Therefore its days of operating in relative obscurity had passed. The Workers' members were following closely the developments in the country since the personal safety and welfare of members of the SFTU were at stake. If the Government intended to take its obligations arising from the Convention seriously, it had to put an immediate end to its campaign of intimidation and harassment against trade unions and their leaders. Moreover, it had to return immediately to the bargaining table with the SFTU and the employers to negotiate in good faith a revision of the Industrial Relations Act. This year, the Committee should send to the Government an even stronger message than its 1996 conclusions in the hope that it could be influenced to choose the path of the rule of law and respect for basic worker rights, rather than that of repression and increasing international condemnation.

The Workers' member of Zambia asserted that the Government representative had repeated the assurances that his Government had given to this Committee in previous years and had stated nothing new this year. Therefore he fully supported the view that the Government should commit itself immediately before this Committee to engage in effective and genuine dialogue with the workers and employers of Swaziland with a view to amending the Industrial Relations Act and other labour laws in line with international labour standards. Moreover, this action should be accomplished in a short time-frame.

The Government member of the United Kingdom welcomed the fact that a direct contacts mission to Swaziland had taken place and was pleased to note the readiness of the Government to continue its dialogue with the ILO. He supported the Government's request for further technical assistance to tackle the problems which had been identified. While his Government had been very concerned over the arrest in early 1997 of the principal trade union leaders of the SFTU, and had made those concerns clear to the authorities at the time, he was very glad that they had since been released. The Committee of Experts' observation had noted that the Industrial Relations Act, 1996, still contained a number of discrepancies with the provisions of the Convention. He was pleased to hear that the Swazi Government intended to rectify the situation and hoped that it would turn this commitment into concrete action as soon as possible.

The Workers' member of Norway, speaking on behalf of the Nordic Workers of this Committee, expressed grave concern over the violations of the Convention. In spite of appeals by the international community, missions from the ILO and the International Confederation of Free Trade Unions and interventions from trade union leaders from neighbouring countries, the Government had continuously harassed Swazi trade unions and their leaders. She fully supported the comments made by the Committee of Experts on the Industrial Relations Act. It was disturbing that a so-called democratic country still thought it was acceptable for workers not to have the right to strike, for unions to face major restrictions on their right to hold peaceful demonstrations and meetings or for the court to wind up a federation which had been actively campaigning on matters that were defined as political issues but that could not in fact be distinguished from occupational issues. Moreover, trade union leaders had been imprisoned, including the four senior leaders of the SFTU, for having threatened to go on strike over labour demands. Although they were finally released, democratic reforms and the opening of negotiations did not follow and matters had worsened. Just before the present Conference she had heard that the Government had suspended the activities of the SFTU and the 17 unions affiliated to it apparently because of failure to submit on time the 1996 financial reports. It was incomprehensible that trade union activities could be suspended for this reason. She assured Swazi workers that they had the support of the Nordic trade unions. The right to carry out trade union activities, including the right to strike, was so fundamental in Nordic countries that it was hard to believe the action taking place in Swaziland. It was not acceptable that in 1997 workers were denied their most fundamental rights.

The Government member of the United States supported the statement of the Government member of the United Kingdom and hoped that the recommendations of the direct contacts mission to Swaziland would be implemented soon.

The Workers' member of the United Republic of Tanzania endorsed the concern expressed by his colleagues concerning the gravity of the situation in Swaziland. The Government should in no way be proud of the fact that it had ratified 31 ILO Conventions while in practice it violated them daily. He therefore insisted that the Government adopt a clearly defined timetable of action towards applying the Convention, including the repeal of the Industrial Relations Act. It further needed to engage in much-needed dialogue with the SFTU.

The Workers' member of Zimbabwe indicated that the situation in Swaziland, contrary to the promises made here by the Minister in 1996, had deteriorated significantly. The Committee of Experts had identified two aspects to the problem, namely the national legislation and the situation in practice. The Industrial Relations Act, 1996, contained new provisions which contravened the Convention even further as highlighted in the Committee of Experts' observation. In practice, the Government had been harassing the leadership of the SFTU, together with the use of force to prevent workers from holding meetings and exercising their other rights under the Convention. While he supported the need for dialogue, he considered that the authorities were using dialogue as a delaying tactic. This Committee needed to act decisively by including this case in a special paragraph of its report.

The Government member of Zambia, the Minister of Labour and Social Security, expressed his concern over developments in Swaziland. He was of the view that the Government should take steps to move towards democratization and labour rights as had occurred in other countries in southern Africa. Only this could really ensure respect for trade union rights.

The Government representative indicated that he took seriously what had been stated in the Committee. It was obvious from the observation of the Committee of Experts, from the recommendations of the direct contacts mission, as well as from the debate that had just taken place, that the basic problems in respect of the Convention stemmed from the adoption of the Industrial Relations Act, 1996. He reassured the Committee that he had not just made empty promises; his country was genuinely ready to ensure that the provisions of the Convention were complied with. He assured the Committee that the document that had been prepared by the Labour Advisory Board with ILO technical assistance would be discussed on 27 June 1997, and that the social partners should be fully involved. The final amendment Bill would be passed through Parliament by August 1997. He concluded by stating that his Government, like this Committee, wanted the national legislation to be in conformity with the Convention and would take the appropriate measures.

The Workers' members noted that the Government representative had focused his reply on discussions that had taken place in relation to the Industrial Relations Act. However, the conclusions of the direct contacts mission went beyond the Act, since they also related to infringements in practice of the Convention. All that was required was that the Government agreed to commit itself to implement immediately all the recommendations of the direct contacts mission, including those concerning issues beyond the Act. The Workers' members also wanted a permanent monitoring of its attempts to implement these recommendations.

The Employers' members, referring to the recommendations of the report made by the direct contacts mission, insisted on their immediate implementation, particularly with respect to the questions on which the social partners had reached an agreement. Rapid changes were necessary to improve the situation and it would be necessary to review the case in the near future taking into account the regrettable further deterioration in the situation after the direct contacts mission. The Government should supply a detailed report on the amendments and changes brought to the situation. The Employers' members supported the proposal to mention this case in a special paragraph of the Committee's report.

The Committee took note of the written and oral information supplied by the Government representative, as well as the discussion which ensued. The Committee noted the concern expressed by the Committee of Experts and the Committee on Freedom of Association that, despite a direct contacts mission in October 1996 and specific progress concerning the education sector, the Industrial Relations Act, 1996, contained provisions which further violated the fundamental principles of freedom of association. The Committee expressed its deep concern for the numerous and major discrepancies between the national law and practice on the one hand, and the provisions of the Convention on the other. The Committee urged the Government to respect fully the civil liberties essential to the implementation of the Convention and to apply very rapidly the recommendations of the direct contacts mission, particularly those already agreed upon by the social partners. The Committee also urged the Government to take all measures necessary to eliminate the restrictions on the right of workers to constitute organizations of their own choice, to hold meetings and to demonstrate peacefully, to formulate their programmes of action and to bargain collectively. The Committee trusted that the next report would indicate detailed measures adopted by the Government, with the assistance of the Office, to secure the full application of the Convention. The Committee decided to mention this case in a special paragraph of its report.

Turkey (ratification: 1993). A Government representative stated that, as concerned the observation by the Committee of Experts that there still remained certain discrepancies between the Convention and national legislation on trade unions, collective agreements, strikes and lockouts, some recent developments had taken place either before or just after the report of the Committee of Experts. In accordance with Act No. 4121, which had amended several articles of the Turkish Constitution on 23 July 1995 with a view to ensuring fuller respect for trade union rights, a Bill to amend the pertinent sections of Act No. 2821 had received the unanimous support of the relevant parliamentary commissions and was now on the agenda of the legislature for final enactment. The proposed amendment would repeal the existing prohibition on the political activities of trade unions contained in article 37 and would totally abrogate article 39(1), which restricted the nomination of candidates to the organs of public organizations by trade unions and prohibited unions from engaging in propaganda in support of or against such candidates. Following the abolition of these restrictions, the penal sanctions contained in articles 58 and 59 for violations would also be repealed. The same Bill would abolish the auditing of trade unions by the Government and would leave this matter entirely to the internal machinery of trade unions.

With regard to restrictions on the right to strike, a Bill had been prepared to amend various sections of Act No. 2822 with a view to enlarging the scope of the right to strike. The proposed amendment envisaged the granting of the right to strike to establishments and operations such as banks and lignite production, as well as to urban public transport, which would considerably limit the scope of compulsory arbitration machinery in Turkey. The other changes proposed in the Bill included a provision making a lockout decision by the employer possible only after the implementation of strike action by the trade union concerned; the calling of lockouts only in establishments where strikes had already been commenced; the automatic termination of lockouts which were in progress with the ending of the strike in an establishment; and, an increase in the number of strike pickets to be placed at each exit and entrance of a plant in which a strike had been called, as provided in article 48. Following the adoption of these and other proposed amendments, the relevant penal sanctions for offenders would also be automatically repealed.

On the question of the right of public servants to organize and negotiate collectively with the administration, he informed the Committee that a Bill had been prepared that was in conformity with the amended version of article 53 of the Turkish Constitution, as well as with the provisions of Convention No. 151. The Bill granted public servants, within the meaning of article 128 of the Constitution, the right to organize their unions and negotiate collectively with the administration as regards their salaries and working conditions. The Bill had been submitted after consultation with the social partners to the Council of Ministers on 14 May 1997. It incorporated the main features of Convention No. 151, including the full utilization of impartial conciliation machinery. It should be noted in this connection that workers employed in the public sector who were not deemed to be public servants within the strict definition of article 128 of the Constitution had enjoyed the trade union and collective bargaining rights of private sector workers from the very beginning of the collective bargaining system in Turkey. They were currently covered by Acts Nos. 2821 and 2822. Having been mandated by the Constitution, it was expected that this Bill on public servants' union rights would be submitted to Parliament as an item of high priority to be debated in the near future in the relevant parliamentary commissions. In this context, he emphasized the fact that public servants and other public functionaries employed in continuous and essential services of the State in accordance with the Civil Service Regulations, as defined in article 128 of the Constitution, had already begun to organize their unions even before the constitutional amendment of 1995. There were currently three public servants' confederations and numerous public servants' unions and union branches.

Finally, he referred to the observation made by the Committee of Experts that trade union legislation in Turkey was overly detailed and regulated issues which should be left to the constitution and rules of the unions themselves. The tendency to enact detailed legislation emanated from the deep-rooted legislative tradition inherent in Turkish society since the establishment of the Republic in 1923. Parallel to the development of other branches of law in Turkey, Turkish labour law had made continuous progress over the years through the adoption of detailed legislation with the approval of the social partners. Nevertheless, the restrictive provisions of Acts Nos. 2821 and 2822 had been improved by successive amendments, as illustrated by the enactments of 1986, 1988 and 1995, combined with the ratification of several important ILO Conventions in 1993 and 1994, and by the constitutional amendment of 1995. Furthermore, in an effort to strengthen the autonomy of the social partners in drawing up their constitutions in full freedom, work was in progress on another draft Bill. As illustrated by the above legislative measures, the constant efforts under way reaffirmed Turkey's commitment to bring trade union and collective bargaining legislation into compliance with ILO standards, and particularly Convention No. 87. In addition to Conventions Nos. 87, 98, 100, 105 and 111 of the ILO's core Conventions which had already been ratified by Turkey, he informed the Committee that the Forced Labour Convention, 1930 (No. 29), and the Minimum Age Convention, 1973 (No. 138), had been submitted to Parliament for ratification. Moreover, the Ministry of Labour had submitted the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), to the Council of Ministers. The protective provisions which already existed in Turkish legislation in those areas would therefore be further strengthened by the ratification of ILO Conventions Nos. 29, 138 and 159. In particular, he emphasized that with the ratification of Conventions Nos. 29 and 138 Turkey would have completed the process of ratifying the seven core ILO Conventions concerning the fundamental rights of workers.

The Employers' members considered that a number of positive developments could be noted in this case. For a number of years, the Government of Turkey had appeared regularly before the Committee with regard to Convention No. 98. On many occasions, the Committee had regretted that Turkey had not ratified Convention No. 87. This was now the first report on Convention No. 87 since its ratification and once again Turkey had been included in the list of cases to be examined by the Committee. However, it should be noted with appreciation that the Turkish Constitution had been amended in a number of respects to eliminate obstacles to freedom of association. The amendments to the Constitution had also concerned the ban on the political activities of trade unions, restrictions on freedom of association and collective bargaining placed upon public employees who were not civil servants. Following these constitutional amendments, a number of amendments had been made to the labour legislation and measures had been taken to propose further amendments to Parliament in order to implement the changes in the Constitution. The proposed measures included new legislation on collective bargaining for public employees who were not civil servants. The final point raised by the Committee of Experts in its report concerned the detailed nature of trade union legislation in Turkey. In this respect, the Government representative had indicated that his Government was prepared to simplify the relevant legislation. On the basis of the report made by the Government representative, it was possible to note that a number of noteworthy steps had been taken. Following the ratification of the Convention, consistent efforts had been made to adapt the legal provisions of the Turkish Constitution, which would result in amendments to the labour legislation. The Employers' members assumed that the Government would include all the relevant details in its next report on the Convention and they looked forward to receiving the report.

The Workers' members thanked the Government representative for the information that he had provided verbally and noted with interest the announcement of the ratification of other fundamental ILO Conventions. The Committee was examining this case for the first time, since Turkey had only ratified the Convention in 1993. Nevertheless, they recalled that the Committee had on four occasions during the 1990s examined very closely related questions concerning Turkey in the context of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The ratification by Turkey of this Convention and others, such as the Labour Relations (Public Service) Convention, 1978 (No. 151), and the Termination of Employment Convention, 1982 (No. 158), was an important act. Nevertheless, ratification was not sufficient and, in the case of Turkey, needed to be accompanied by amendments to the legislation. As noted by the Committee of Experts and the Committee on Freedom of Association, Turkish trade union legislation was overly detailed and regulated several matters that should be left to the competence of the constitutions and statutes of workers' and employers' organizations. They noted that since 1995 several laws had been amended and that article 52 of the Constitution, which prohibited trade unions from engaging in any political activities, had been repealed. Nevertheless, measures were still needed to bring the legislation into accordance with the provisions of the Convention. These modifications would make it possible to establish effective, healthy and democratic industrial relations and would in so doing facilitate the achievement of social justice and peace. The legislation needed to be simplified, among other measures, by eliminating provisions which permitted interference by the authorities and employers in the internal affairs of trade unions and which created obstacles to free collective bargaining. By way of illustration, they referred to the prohibition from establishing base-level unions for specific occupations, the double quantitative criteria for the negotiation of collective agreements, the general prohibition placed on solidarity strikes, the ban on strike pickets accompanied by heavy penal sanctions, the serious restrictions on freedom of association in export processing zones and the absence of legislative provisions for the reinstatement of workers who had been the victims of anti-trade union measures. Finally, the Workers' members, in the same way as the Committee of Experts and the Committee on Freedom of Association, noted with interest the Government's statement that it intended to continue reforming its legislation in order to bring it fully into conformity with the provisions of the Convention. They emphasized that the Government should provide all the relevant information and take all the necessary measures to repeal all anti-trade union legal provisions, which prevented the development of healthy industrial relations. In this respect, they recalled that ILO technical assistance could be made available to the Government if it so wished.

The Workers' member of Turkey recalled that the representation submitted by his trade union organization on 4 July 1994 concerning the non-observance by Turkey of Convention No. 87 had resulted in a very comprehensive report by the Committee on Freedom of Association, which had been approved by the Governing Body in March 1996. Since no legislative amendments had been adopted since the preparation of that report, all of its conclusions and recommendations were still relevant. He therefore hoped that the Conference Committee would further examine those basic points, which had also been referred to by the Committee of Experts in its report.

In March 1996, the report of the Committee on Freedom of Association in Case No. 1810 had stated that the Committee noted with deep regret that, despite the repeated assurances given by the Government in the context of numerous cases concerning Turkey which the Committee had examined, certain legislative provisions continued to violate rights guaranteed by Conventions Nos. 87 and 98 and that national practice was far from meeting Turkey's international undertakings. The Committee on Freedom of Association had requested the Government to intensify its efforts to take urgent measures to remedy the situation. He noted that, in the absence of effective guarantees and job security, many of the workers recruited by trade unions had lost their jobs. The Government of Turkey had not fulfilled its obligations to bring its legislation into accordance with Convention No. 158. Moreover, trade union membership was strictly prohibited for contract personnel in public economic enterprises, security personnel in private establishments and conscripts employed as workers in the public sector. The legislation that was in force did not guarantee the right to organize of public servants or homeworkers. In addition, although the amended Constitution stated that trade unions and higher-level organizations of public servants would be permitted by law to establish among themselves, no such law had been adopted two years after the enactment of the amendment. Indeed, the prosecution of public servants for legitimate trade union activities had continued with full vigour. The draft Bill prepared by the Ministry of Labour and Social Security in January 1997 was still far short of meeting the requirements of Conventions Nos. 87 and 98. Under section 6 of the Bill, founders of public servants' unions needed to have seniority of at least two years. Under sections 14 and 20, such unions could only be members of international public servants' organizations, which did not include ICFTU or ETUC. The fact that personnel in the judiciary, civilian employees in the armed forces and public servants in prisons were prohibited from joining unions meant that the two existing public servants' trade unions would have to be liquidated. The Bill was opposed by two trade union federations which had applied for membership of ICFTU and ETUC. According to information from trade union sources, 73,000 public servants had been fined, 1,500 had been demoted, the promotion of 1,700 public servants had been halted, nearly 8,000 public servants had received disciplinary punishments, 1,900 had been dismissed and 4,000 had been transferred to other cities because they had engaged in legitimate trade union activities. Moreover, the trade union representing public employees in the postal services had been liquidated. He added that political activities by trade unions were still severely curtailed. Despite the repeal of article 52 of the Constitution, more extensive bans and restrictions on political activity by public servants and by trade unions representing workers and public servants still existed in the Trade Unions Act, Public Servants Act and the Decree respecting contract personnel. Article 82 of the Constitution, which provided that trade union office was not compatible with being a member of parliament, was still in force. Trade unions still faced administrative and financial auditing by the authorities.

Although the right to strike was a basic and indispensable component of the Convention, Turkish labour legislation still violated the Convention in many respects. These violations had not been resolved by the amendment of the Constitution. Workers in the informal sector and unorganized workers could not strike. Workers could not call a strike without prior authorization from their trade union and could only strike as a result of a conflict of interest during collective bargaining. Confederations could not strike and strikes were prohibited for workers in export processing zones, public servants, contract personnel, students employed on a temporary basis for training purposes, conscripts employed in public enterprises and employees of the central bank. Nor could workers employed in the production of water, electricity, gas, lignite and petrochemicals call strikes. This ban also applied to bank employees, public notaries, fire-fighting personnel and land, marine and rail transport workers, despite the fact that none of these services could be considered essential in the strict sense of the term. Prohibitions were also placed on solidarity strikes, general strikes, peaceful workplace occupations and go-slows, despite the recommendations of the Committee on Freedom of Association in this respect.

Very cumbersome procedures had to be fulfilled in order to call a strike. These excluded extreme limitations as regards cooling-off periods, the number of strike pickets and their shelter. Employers had to be notified six days before the initiation of a strike and the courts were entitled to suspend lawful strikes on the grounds of damage to society. Moreover, the right to strike could be totally suspended under martial law and in emergency situations. The sanctions in the event of violations of these prohibitions were severe. In this respect, he indicated that the Bills prepared to amend Acts Nos. 2821 and 2822 had shared the same fate as the other Bills referred to by the Government of Turkey during discussions of Convention No. 98 over the past five years.

In conclusion, he stated that minor legislative improvements would not suffice to bring Turkish legislation into line with the Convention. In accordance with the conclusions and recommendations of the Committee on Freedom of Association in Case No. 1810, the technical assistance of the ILO was required to achieve this belated task.

The Workers' member of Norway, speaking on behalf of the Nordic Workers in the Committee and the Workers' member of the Netherlands, strongly supported the Workers' member of Turkey's intervention concerning violations of the Convention. First, he recalled that in its observation, the Committee of Experts had mentioned that a wide range of political activities was still prohibited for trade unions, that several provisions restricted the right to strike in contravention of the principles of freedom of association and that national legislation regulated several matters which should be left to the competence of organizations of employers and workers. His organization had visited Turkey twice in autumn 1996. The findings of these visits confirmed that the Government was continuously responsible for serious violations of fundamental trade union rights, particularly in relation to fundamental international instruments, such as the Universal Declaration of Human Rights, ILO Conventions Nos. 87 and 98, as well as the European Convention on Human Rights. He shared the deep concern of the Committee on Freedom of Association which, in examining Cases Nos. 1810 and 1830, had noted with deep regret that certain legislative provisions continued to violate rights guaranteed by Conventions Nos. 87 and 98, and the national practice was far from meeting Turkey's international undertakings. He listed the following serious restrictions on the trade union movement: under the legislation there was no right to strike, organize or bargain collectively for contract personnel in public enterprises; according to national practice, public servants were deprived of the right to organize, to strike and to bargain collectively; regulations imposed broad restrictions on those rights for workers in the public and private sectors; the Free Trade Zone Act banned strikes in export processing zones and imposed binding arbitration; there was no provision for the reinstatement of dismissed trade unionists; the general lack of job security undermined legal protection; and, the laws remained overly prescriptive and regulatory about internal union rules and constitutions. Referring to the Committee of Experts' observation, he pointed out that although article 52 of the Constitution, which prohibited all political activity undertaken by a trade union, had been repealed, the observation failed to mention that the prohibition on political activity by trade unions still remained in national legislation (section 37 of the Trade Unions Act). Moreover, article 53 of the Constitution, which granted the right of trade unions in the public sector to bargain collectively, did not contain an effective right since it left it to domestic legislation to regulate the matter and nothing had been enacted as yet at the national level. He wanted to know from the Government representative what the proposed time frame was for the adoption of the necessary legislative changes on these two points. Consideration had also to be given to the fact that a lot of trade unionists had been prosecuted under the Anti-Terrorism Act, which provided for severe penalties. In fact, there were parts of Turkey where normal trade union activities could not be carried out and there were many examples of the detention of trade unionists just for having called a trade union meeting. According to information he had received recently, several union leaders had been arrested at the end of May 1997. Since there was little reason to believe that the Government on its own would manage to bring the national legislation into line with the Convention, he proposed that the ILO offer technical assistance so that the recently ratified Convention would be fully incorporated into the national legislation in the near future.

The Workers' member of Greece pointed out that once again, the information provided by the trade unions indicated the wide gap which could exist between the ratification of a Convention and its actual implementation. According to this information, only 2 million workers in Turkey were covered by collective agreements. The requirement for 10 per cent of workers in a branch and 50 per cent of workers in an enterprise were designed only to restrict the right to exercise freedom of association. For instance, in the case of a railway company, a trade union could not function if it represented only 50 per cent of workers across the country. Also, the organization of a trade union meeting required the prior authorization of the police to whom a complete list of the speakers had to be submitted. Those were only a few of the problems raised by this case, which could lead one to wonder which provisions of the Convention had been introduced in the legislation. It was urgent for the Government to act instead of simply making statements.

The Workers' member of Germany highlighted the discrepancy between the statement of the Government representative and that of the Workers' member of Turkey with respect to the legalistic and practical developments as regards application of this Convention. Referring to the individual cases described by that Workers' member, he stated that the Convention had been violated to an even greater extent in practice than in the law. It was therefore important to ask whether the Government representative was in a position to confirm that the measures required would be taken as requested by the Committee of Experts and the Committee on Freedom of Association. Referring to conclusions of the Committee on Freedom of Association in Cases Nos. 1810 and 1830, he stated that they gave rise to two main questions: first, could the Government representative state which measures had been taken to lift the current ban on trade unions from setting up radio and television stations, which interfered in the right to carry out union activities? Secondly, observing that the Government representative had not provided sufficient and precise information regarding the extent and substance of the draft Bill to amend the Trade Unions Act, would it amend all the legislative provisions which had been criticized regarding the right to strike? He recommended that the conclusions on this case be mentioned in a positive light only if the Government representative could give satisfactory answers to these questions.

The Government member of Iceland, speaking on behalf of the Governments of Denmark, Finland, Iceland, Norway and Sweden, noted with interest that article 52 of the Turkish Constitution, prohibiting all political activities by trade unions, had been repealed. He was looking forward to the practical implementation of this measure. He noted, however, that several Acts which prohibited a wide range of political activities still remained in force. Measures should be taken by the Government to bring these laws into conformity with the Convention. In order to do so, the Government could ask for the technical assistance of the Office.

The Workers' member of Pakistan fully supported calls from other speakers to bring the national legislation into conformity with the Convention. In its observation, the Committee of Experts had noted that the laws still contained restrictions on both political and trade union activities, as well as on the right to organize of public servants. In order to bring the legislation in line with the requirements of the Convention, the Government should envisage having recourse to the technical assistance of the Office.

The Government representative expressed appreciation for the views expressed by both Workers' and Employers' members but wanted it to be acknowledged that the enactment of legislation, especially in the labour relations field, was long and difficult in any country due to the conflict of various interests. As the Workers' members had rightly pointed out, ratification alone was not enough. This was why the Government was involved in the amendment of the Trade Unions Act, which was being debated in Parliament currently. With regard to the issue of the maintenance of the dual criteria for bargaining collectively referred to by the Workers' members, the Government representative emphasized that his Government was willing to repeal the dual criteria requirement but that it needed the consent of the social partners to do so; until now they had expressed their satisfaction with this requirement. Replying to the statement of the Workers' member of Turkey that job security for union members and officers still employed at the establishment did not exist, he pointed out that these persons benefited from the protection of the national legislation, which provided that compensation should not be less than the total amount of annual wages. Reinstatement was only granted to shop stewards. However, when Convention No. 158 would be incorporated into the national legislation, all workers, unionists and non-members of unions, would be protected. Regarding the call for the removal of the various bans on unions' political activities, he replied that section 37(2) of the draft Bill on the Trade Unions Act (No. 2821) now only stipulated that unions and confederations could not engage in activities outside their objectives, nor could they use the name, emblem, logo or signs of political parties under this provision. Moreover, section 37(3) provided that if union officials were nominated as candidates in general and local elections, their positions in unions would be suspended. If they were elected, their union leadership and functions would be terminated. Now the draft Bill provided that union and confederation officials elected to the organs of political parties would maintain their positions in their unions. In order to further trade, Act No. 3218 of June 1985 on Free Trade Zones banned strikes in export processing zones only for 10 years. Collective bargaining could be initiated and, if negotiations failed, the dispute was to be referred to compulsory arbitration for a period of ten years from the inception of the free trade zone. Similarly, trainee students (apprentices) who worked in industrial establishments as part of their vocational training were subject to a strike ban under section 22 of Act No. 3308, because they were students and not workers under the terms of Act No. 2821 and Act No. 1475 on labour affairs. With respect to the prohibition of union membership contained in section 21 of the Trade Unions Act, only professional members of the armed forces were barred from membership now that the ban had been repealed by Act No. 4101 in 1995. As for contract employees, they could be found only in state economic enterprises and their number was decreasing because of privatization. Moreover, contract employees, who were considered as "other public personnel" according to article 128 of the Constitution, would be covered by the proposed Bill on the trade union rights of public servants. Although no more than four strike pickets were allowed at one time under the current legislation, this number had been increased to eight in the draft Bill to amend Act No. 2822 on collective agreements, strikes and lockouts. Moreover, the draft Bill removed the administrative and financial auditing of unions and left this to the constitutions of the unions themselves. Finally, while the TUM-HABER-SEN Union had been dissolved by the court of appeal, due to the absence of enabling legislation, this ruling was only applicable to the specific case in question. Besides, it would be premature to make definitive remarks about something for which the legislative process had not yet been finalized. The draft Bill to amend Act No. 2822 removed the bans on the right to strike in banks and lignite production and distribution, and maintained strike restrictions in some of the essential services where compulsory arbitration would be the last resort. The denial to confederations of collective bargaining and the right to strike was only natural as, in many countries, confederations were top-level horizontal structures, not conducive to collective bargaining. Unorganized workers had the right to strike, as well as members of the striking union. Although unions could not request any additional fees from their members other than the regular union dues, they were, unlike the situation in other countries, entitled to automatic "check-off" of union dues which strengthened them financially. The ban on the right to strike for rights disputes was based on a Constitutional provision and the right to strike was recognized only for interest disputes, as was the case in various Western countries. The law now provided for the referral of collective disputes to the labour courts or to voluntary arbitration. The allegation that many unionists were being subjected to legal harassment in Southeastern Turkey was misleading, since these people, who lived in an area subject to separationist terrorist activism, were probably detained for acts unrelated to their rights and functions. Therefore, all other public servants unions were functioning legally at present. The other points that had been raised were not related to Conventions Nos. 87, 98 or 151. He stressed the significant impact the ILO had had on shaping the national legislation relating to labour standards since Turkey became a member in 1932.

The Workers' members were of the opinion that even after the adoption of the amendments to the legislation several problems would remain, in particular regarding the export processing zones and the right to strike. They recalled that the Government committed itself to the Committee on Freedom of Association to pursue the reform of the legislation to bring it into full conformity with the Convention and the Government had been invited to request the ILO's technical assistance.

The Employers' members pointed out that after the amendment of the Constitution, the amendment of the Labour Code was necessary. Since the Constitution provided for the principles which had to be implemented by the Law, it was thus logical for the country to amend its legislation accordingly. Certain speakers had referred to Convention No. 98, but the discussion here should focus on the questions related to Convention No. 87. When the Committee of Experts mentioned in its report that it "noted with interest", this was a sign of progress which should be reflected in the conclusions of this Committee.

The Committee took note of the information provided by the Government representative and the discussion which had ensued. The Committee recalled that the Committee of Experts had taken note with interest of the constitutional amendments which had repealed the ban on trade unions from carrying out any political activity and which authorized collective bargaining for public servants' unions. Nevertheless, the Committee of Experts had once again asked the Government to adopt, in the near future, all the measures necessary for the drafting of legislation which would be in full conformity with the requirements of the Convention. This Committee urged the Government to take the necessary measures, in particular regarding the right of all workers, without distinction whatsoever, to establish organizations of their own choosing and the right of workers' organizations to draw up their constitutions and rules, to formulate their programmes and to bargain collectively without any interference by the public authorities. The Committee expressed the firm hope that it would be able to note concrete progress in the Government's next report, as regards the application in law and in practice of this core Convention. The Committee reminded the Government that it could resort, if it so desired, to the technical assistance of the Office.

United Kingdom (ratification: 1949). The Government supplied the following information:

The Government has honoured its pledge to restore the right, which was denied in 1984, for staff at the Government Communications Headquarters in Cheltenham (GCHQ) to join a trade union of their choice. The conditions of service at GCHQ have been amended, with immediate effect, to remove all restrictions on union membership. The staff are now free to join any union they wish. The full details of these changes will be communicated to the ILO in due course.

In addition, a Government representative stated that the United Kingdom Minister of State for Employment had already announced formally the restoration of trade union rights at the Government Communications Headquarters in Cheltenham (GCHQ) in his speech to the plenary session of the Conference. He had emphasized the Government's full support for the ILO, the importance that it attached to restoring the United Kingdom's reputation for fulfilling its obligations in the ILO, and its full respect for the application of the ILO's core labour standards. He was therefore very pleased to put on record before the Committee his Government's prompt action to restore freedom of association at GCHQ. This was one of the very first acts of the new Government, after it was elected on 1 May 1997.

The speed with which his Government had acted on this commitment demonstrated the importance to the United Kingdom of upholding respect for freedom of association and basic trade union rights, the exercise of which it believed was crucial to balanced, humane, democratic and peaceful development. Referring to the wider questions raised about his Government's compliance with the provisions of the Convention, the speaker indicated that he was not in a position to give a detailed response at this point. He could, however, confirm that the Government had pledged to restore a fair balance between the rights and responsibilities of employers and employees at the workplace. The Government intended to consult later in the year on its proposals for fairness at work. Trade union organizations would, of course, play a full part in those tripartite consultations. Finally, he wished to confirm that his Government would, in due course, respond in full to the comments made by the Committee of Experts in its latest observation.

The Workers' members stated that on the basis of the observation of the Committee of Experts a long and difficult debate might have been needed on the application by the United Kingdom of the Convention. However, in view of the declaration of the Minister of Employment in plenary, and that of the Government representative in this Committee, it seemed that progress was being made at last. With regard to the issue of the dismissal of workers at GCHQ, it would appear that the situation had been rectified. This was a great victory for the supervisory bodies and the system. However, sight should not be lost of the fact that the Government would have to take several further steps before its legislation and practice were completely in line with the requirements of the Convention. But there were significant reasons to look forward to such further steps with some confidence, especially as the new Government was prepared to engage in real and meaningful consultations with the Trades Union Congress (TUC) and the Confederation of British Industry (CBI). The Workers' members welcomed the Government's intention to introduce a White Paper to restore fairness in the workplace. The Workers' representatives in the United Kingdom were looking forward to proper consultations on the White Paper and subsequent legislation. Finally, the Workers' members welcomed the prospect of full participation by the Government in the ILO in line with the Minister of Employment's statement, and of its intention to ensure respect for the core ILO Conventions.

The Employers' members noted that this case was well known to this Committee since it had been discussed on several occasions. The written information submitted by the Government, as well as the explanations of the Government representative, showed that this case was essentially resolved. The actual contribution of the Committee with respect to this solution was difficult to evaluate and internal considerations had probably played a more decisive role than the discussions of the Committee. Instead of referring to historical considerations, it was enough to note with satisfaction that freedom of association had been reinstated at GCHQ. As was often the case with the discussions of this Committee, several points as well as the comments of the Committee of Experts were never discussed in detail but were just touched upon generally. Points 2 and 3 of this year's observation touched upon fundamental questions but since neither the Government representative nor the Workers' members had dealt with them the Employers' members were going to follow the same line while reserving the possibility of coming back during a forthcoming session of the Conference.

The Workers' member of the United Kingdom appreciated and welcomed the statement of the new Labour Government on bringing to an end a 13-year-old injustice. He also expressed the appreciation of the British TUC, his own union which had over 900 members banned from trade union membership at GCHQ, and of the 14 GCHQ staff who were dismissed for refusing to leave their trade union, to the ILO and all the delegates of this Committee for keeping the issue of GCHQ alive. He also thanked those Governments and Employers' members who had given their support and joined in the call for a resolution of this case over those 13 years. Moreover, he thanked the British civil servants who had presented this case 13 years ago, virtually all of whom had been members of the same union banned at GCHQ in 1994. Most of all he wished to thank the Workers' members of this Committee for their steadfast and total support for this issue.

The Government member of Switzerland, in his personal and official capacity, welcomed with great satisfaction the statement of the Government representative. The discussion of this case for several years made it a symbol touching the application of a fundamental Convention of the ILO. One could only express delight with respect to the measures taken in the case of GCHQ and note with satisfaction the measures that the Government had taken or was going to take on a tripartite basis to fully implement the Convention. Hope could be expressed that the Government would demonstrate the same goodwill regarding the other requests of the Committee of Experts. This was not only a case of progress but a case which had been resolved and therefore should no longer appear on the list of cases to be discussed.

The Government representative noted the welcome by the Committee of the restoration of trade union rights to the staff at GCHQ.

The Workers' members disagreed with the Government member of Switzerland that the case had been resolved. On the contrary, many steps had yet to be taken in order to bring national legislation and practice into conformity with the Convention. They trusted that these measures would be taken soon.

The Committee took note of the written and oral information provided by the Government. It noted with satisfaction that the Government had fulfilled its promise to re-establish the right of the staff at Government Communications Headquarters in Cheltenham to join organizations of their own choosing, which had been withheld since 1984. The Committee decided to mention this case of progress in the appropriate part of its General Report. The Committee expressed the hope that, in consultation with the organizations of workers and employers, the Government would examine the other points raised in the report of the Committee of Experts.

Venezuela (ratification: 1982). A Government representative emphasized the negative climate of labour relations which had existed in Venezuela at the time that the representation had been made by FEDECAMARAS and the IOE. It had been facing an extremely serious economic and social crisis that had given rise to social tension and had created an unhealthy atmosphere for social dialogue, impeding the social consensus that was necessary for Venezuela to develop its labour law. He said that he was convinced that the crisis was in the process of being overcome, as confirmed by, for example, the re-establishment and consolidation of social dialogue which had culminated in the signing of a far-reaching Tripartite Agreement on Social Security and Wage Policy, in which high-level representatives of the Government, Workers and Employers recognized the existence of ample common ground in its conceptual framework. This had been the result of an exchange of views that had taken place in a profoundly democratic climate of mutual respect and consideration for the treatment of the issues discussed. He stated that the Minister of Labour had given priority in her programme to obtaining a wide consensus as an underlying principle of the system of labour relations, which she had described to the ILO Standards Department in communications dated 8 May and 6 June 1997, which had stated that the Government of Venezuela had taken due note of the legal problems arising in relation to sections 404, 409, 418 and 419 of the Organic Labour Law and any discrepancies with the standards contained in the Convention. Aware of the importance of these issues, she had decided to accelerate the process of resolving them.

He indicated that, as the problems raised in the report of the Committee of Experts implied the need to harmonize four sections of the Organic Labour Law of Venezuela with the provisions of Convention No. 87, he was pleased to be able to inform the Committee that discussions had already been initiated with the most representative organizations of workers and employers in order to resolve this matter, based on the conviction that the most effective and balanced mechanism for harmonizing the labour law with the requirements of the Convention was through social dialogue, the success of which was illustrated by the recent experience described above. He stated that in this way the concrete fulfilment of the promises made to the Committee by the previous Minister of Labour of Venezuela in 1996 had begun. Finally, he believed that the social partners in Venezuela would agree that, in virtue of the initiative cited to modify the legislation, the way had been opened to the definitive resolution of a problem which had occupied too much of the attention of the Committee on the Application of Standards.

The Employers' members indicated that this case had its origins in a representation on the violation of the rights of workers' and employers' organizations enshrined in the Convention. The Committee of Experts had examined these questions for various years, as had the Conference Committee in 1995 and 1996. This year, the statements made by the Government representative had shown no anger and had manifested the willingness of the Government to enter into dialogue. In this sense, there had been a certain improvement. The Committee of Experts' criticisms of the legislation concerned violations of the Convention on fundamental questions: the existence of too long a period of residence (more than ten years) for foreign workers to hold office on trade union executive boards; the overly extensive and detailed list of the attributions and purposes required for workers' and employers' organizations; the requirement of too high a number of workers (100) to form unions of self-employed workers; and the requirement of too high a number of employers (ten) to constitute an employers' organization. These requirements amounted to undue interference by the State. The Employers' members deplored that the Government had not supplied any information on any of these issues to the Committee of Experts, making a real dialogue on this question impossible, and that the Government representative had not provided any specific information indicating how and when these violations of the Convention would be resolved. In 1996, the Government had undertaken to resolve these problems through tripartite meetings. This undertaking had not been fulfilled and the Committee had to regret the time which this case had taken and which it appeared it would take in the future. They requested the Government to send a detailed report and hoped that it would contain a satisfactory response to the problems raised which would render it unnecessary to return to this issue. Finally, they regretted that the Government had not paid the costs of the attendance of the Workers' and Employers' delegates at the Conference, as required under the ILO Constitution.

The Workers' members were in full agreement with the statements made by the Employers' members. The restrictions imposed on the rights of employers to establish organizations of their own choosing so that workers' organizations could have valid partners for collective bargaining needed to be eliminated. They deplored that the Government, on several occasions, had not responded to the Committee of Experts or the Conference Committee with detailed information and regretted the repeated failure of the Government to fulfil its commitments. The Committee on Freedom of Association, the Committee of Experts and the Conference Committee had all pointed to the need to amend the legislation to resolve its discrepancies with the Convention. The fact that no information had been provided to the Committee of Experts once again this year was a sign of an unwillingness to cooperate. The Government representative had said only that the crisis that had existed previously in the country was being overcome and that a tripartite dialogue existed. The Workers' members expressed the firm hope that this dialogue signified the beginning of a change of attitude. They insisted on the importance of the Government providing positive responses in its report to the Committee of Experts and on the need to take the necessary steps without delay, in consultation with the social partners, to resolve the problems identified by the Committee of Experts and to guarantee the right of workers and employers to establish organizations of their own choosing and the other rights of these organizations.

The Employers' member of Venezuela stated that the representation referred to had been submitted by FEDECAMARAS and the IOE and agreed with the declarations of the Employers' and Workers' members. The Committee of Experts had criticized the legal provisions which violated various Articles of the Convention, but the new Labour Minister had expressed an openness to tripartite dialogue. It was important that the Government respond to the comments of the Committee of Experts and the Conference Committee and comply with the recommendations of the Committee on Freedom of Association.

The Workers' member of Venezuela supported the views of the Workers' members. The difficulties which had existed earlier in the field of industrial labour and in the handling of labour conflicts had been overcome. The present tripartite meetings would produce results in the near future and would make it possible to overcome the problems relating to the Convention. He expressed his willingness to trust in the positive attitude adopted by the Government. The Committee should urge the Government to ensure that the tripartite discussions led to complete and immediate results so that this case could be resolved in time for the next meeting.

The Government representative expressed appreciation for the statements of the speakers who had participated in the debate. He denied that the Government had been angry concerning the matters under examination and referred to the serious political, economic and social crisis from which the Government of Venezuela had been emerging. He also regretted that the written response of the Government to the ILO on the tripartite dialogue and the new system of tripartite consultation had not arrived in time to be examined by the Committee of Experts. He considered that under the new system, it was perfectly possible to resolve the questions raised in the representation filed by FEDECAMARAS to the ILO several years ago. He insisted that the Government was not making the same promises as in previous years. Very concrete results had been achieved which showed that seminal changes had taken place in this respect and that the Government was participating actively in the machinery of tripartite dialogue, which covered the matters raised in the representation, with the aim of overcoming them.

The Committee took note of the information supplied by the Government representative and of the discussion which ensued. It recalled, once again, that the Committee of Experts had urged the Government to amend the Organic Labour Act with a view to removing the divergencies existing between the national legislation and the Convention. The Committee urged the Government to supply, in its next report, concrete information on the measures taken to apply the Convention, taking into account all the points mentioned in the Committee of Experts' observation. The Committee stressed the need to amend the number, which was too high, of workers or employers required for the creation of a trade union or employers' organization, the requirement of a too long period of residence for foreign workers to be eligible for election to trade union office, and the long and detailed list of attributions and services required by workers' and employers' organizations, since all these provisions were not in conformity with Articles 2 and 3 of the Convention. The Committee regretted that the written information was sent by the Government too late to be examined by the Committee of Experts and this Committee. It expressed the firm hope that the tripartite dialogue referred to by the Government representative would permit decisive progress to be made towards the full application of the Convention. The Committee requested the Government to send detailed information in this respect in its next report.

Convention No. 95: Protection of Wages, 1949

Ukraine (ratification: 1961). A Government representative stated that the Government was fully aware that delays in the payment of wages were a flagrant violation of Convention No. 95. The main reason for the delays was the grave economic and financial situation in the country, which had also resulted in high unemployment, reduced wages and lower standards of living. The President of the Ukraine and the Government were taking resolute measures to liquidate the budgetary debt with respect to wages. The Decree of the President of 28 February 1997, No. 187 covering "measures to ensure replenishment of the state budget and strengthening of financial and budgetary discipline" established that all enterprises and organizations in the budget sector should use the available financial resources in the first place to ensure payment of wages and similar payment. The Government was systematically consulting trade unions and employers' organizations and the tripartite dialogue on this problem continued. According to the agreement reached with the trade unions in January-April 1997, 75 per cent of the state budget resources were used to finance wages and social benefits, and since May the current payments with respect to wages in the budgetary sector were being paid at the 100 per cent level. As a result of these measures, the increase of the state budget indebtedness with respect to wages had been stopped at present and as a rule current wages were paid regularly and without delays. The most serious problem remained the settling of debts accumulated in previous years, particularly after the signing of the macroeconomic memorandum with the international financial bodies aimed at controlling inflation before and after the introduction of the new national currency.

The Cabinet of Ministers guaranteed to the social partners to cover the indebtedness from the state budget with respect to wages, pensions, stipends and other social benefits for 1996 amounting to 1,489,000,000 grivnya before 1 November 1997. The timetable of the payments was agreed with the trade unions and published in the mass media. In May 1997, 82 million grivnya of debts for 1996 had already been settled.

With respect to the self-managing enterprises, the Government had accepted the suggestion of the Federation of Trade Unions of Ukraine, according to which 50 per cent of current payments into their current accounts were to be used to cover wage debts.

In addition, the Government had submitted to Parliament a draft law concerning payments on the territory of Ukraine and the fulfilment of tax obligations which directed the financial resources of enterprises to cover, in the first place, their wage debts to workers. The Government had agreed with the Federation of Trade Unions to propose to extend this provision of the draft law to cover the total amount of wages without any limits of payments.

The complex approach to this problem included a number of additional measures: the use of budgetary resources was restricted on any non-priority purposes; the incomes from privatization of state property were strictly controlled; the reform of the state administration was aimed at decreasing the number of ministries and agencies as well as a 25 per cent reduction of public employees; a number of measures were taken to strengthen discipline in collecting taxes under the supervision of inspection and judicial authorities. Since the beginning of 1997, the state labour inspection service had carried out more than 5,000 inspection visits, including over 3,000 concerning the fulfilment of the legislation on wage protection; 5,400 recommendations had been given, including 2,800 obligatory instructions, and 220 cases had been referred to tribunals. The judicial authorities, as a result of the inspections carried out this year have imposed sanctions on over 600 government officials; the overall sum of fines imposed on the government officials responsible for violating labour legislation amounted this year already to 37,000 grivnya. The analysis showed that over 40 per cent of all violations of labour legislation was concerned with the non-payment of wages.

Following the Decree of the President of the Ukraine, the contracts concluded with the managers of state enterprises now included additional requirements concerning the need to ensure the timely payment of wages and strict compliance with the timetable on the coverage of wage indebtedness. The failure to fulfil these contract requirements was considered to be sufficient grounds to break the contract at the instigation of the Ministry. The Ministry of the Mining Industry, for example, had broken, on these grounds, the contracts with the directors of nine coal conglomerates and of 34 coalmines; the Ministry of Industry had broken contracts with managers of 54 enterprises; Ministry of Transport — nine; Ministry of Forestry — with four general directors of state forest industrial complexes and 40 directors of state forest and hunting enterprises; the Ministry of Agriculture — 214 managers.

The Government understood that a definitive solution to the problem of wage indebtedness required stabilization of production and of the whole of the economy of the country. At the same time the Government also counted on strengthening cooperation with the International Labour Organization and its experts in this question as well. This was the first time that the Government had to appear before the Conference Committee on the Application of Standards. Taking this opportunity the Government representative wished to thank the ILO for the efforts already deployed and to ensure that the dialogue in this Committee would attract the full attention of the Government.

The Employers' members took due note of the extensive information provided by the Government representative who had informed the Committee both about the measures which had been initiated and those which had been envisaged to improve the situation. This problem had already been touched upon in the report of the Committee of Experts where it had indicated that the problem of wage arrears was linked to the special situation of the country's transition to a market economy. It appeared, however, that the main elements of a market economy had not yet been introduced in Ukraine.

The cases of non-payment or delayed payment of wages had mostly occurred in the public sector or in enterprises owned by the State. Referring to the Government representative's statement that the necessary precautions had been taken so as to prevent such a situation arising in the future, the Employers' members pointed out that the main problem was how to pay off arrears which had accumulated until 1996. Thus, although according to the Government representative, a certain percentage of the arrears accumulated until 1996 had been paid by May 1997, there was still a considerable delay in paying the remaining amount.

In relation to the measures enumerated by the Government and cited in the observation of the Committee of Experts, the Employers' members expressed the hope that these measures would lead to the desired effects in practice. At the same time, they recalled that a free market economy was considered an integral part of a State based on the rule of law where individual workers had to be able to assert their rights and push through their claims. Convention No. 95 itself stipulated that appropriate action be provided for but it was up to the Government to define what constituted this appropriate action.

Finally, they considered that the Government should submit a detailed written report providing information on the specific level of debts and the concrete measures envisaged to avoid problems in the future. The number of inspections carried out and their results should also be shown in this report as well as details on the judicial proceedings. They expressed the hope that this Committee would not be obliged to discuss this case in the future.

The Workers' members thanked the Government representative for the detailed information provided and noted that they appreciated the initiatives taken by the authorities as well as the Government's will to establish a dialogue. It was indispensable to discuss at least one of the cases concerning the application of this Convention which had had a determining influence on national legislation and the problems of application of which concerned several tens of millions of workers in the world. The ILO and the member States should renew their efforts to apply this Convention which the present Committee was called upon to consider on a regular basis. The problems of application stemmed, to a large extent, from the economic difficulties resulting from the transition towards a market economy, from the application of structural adjustment programmes and from the loss of market shares. However, their magnitude and persistence was aggravated by other factors such as the absence of the respect for the rule of law, of efficient control mechanisms or of procedures to claim payment of wages and damages.

Although the Government had listed Bills or decisions by the President of the Republic aiming at reinforcing the protection of wages and labour inspection or to stabilize the financial situation of enterprises, observations from workers' organizations still continued to pour in. This lent credence to the Committee of Experts' impression that, in practice, the situation had not improved. Payment of wages by promissory notes contravened both Article 3 of the Convention and the Act on Payment of Wages of 24 March 1995, but such payments continued to be used in practice.

As the Committee of Experts had clarified in its observation in this case, as well as in paragraph 73 of the General Report, the application of this Convention should comprise three essential elements: efficient control; appropriate sanctions; and means to redress the injury caused. This latter element had two components: payment of the amounts due and compensation for the losses incurred by the delayed payment. The Government should reinforce its efforts in each of these aspects in cooperation with the workers' organizations. Furthermore, it should submit to the Committee of Experts, for scrutiny, detailed information on the present situation, namely with respect to the number and nature of decisions by tribunals or other institutions concerning the regular payment of wages. It should finally also provide reports on investigations carried out, violations noted and sanctions imposed, in order to permit the

Committee of Experts to evaluate the real impact of the measures taken. The Government should be encouraged to pursue a constructive dialogue with the Committee of Experts.

The Workers' member of Ukraine recalled that the right to the regular payment of wages was guaranteed by article 23 of the Constitution of Ukraine adopted on 28 June 1996, but this basic right had been violated for the past two years. According to the trade union estimate, the total wage debt at the beginning of June 1997 amounted to 4,757,200,000 grivnya, which was approximately 2.6 billion dollars. The average delay in the payment of wages was between two to three months, which prevented millions of workers from properly feeding their families. The non-payment of wages on time, as prescribed also by article 115 of the Labour Code and article 24 of the Law of Ukraine on the payment of wages, was the major factor of social unrest in the country, which was approaching the boiling point, at which time the situation would become irreversible, unless urgent measures were taken by the Government and by the employers.

In his statement, the Minister of Labour had explained the non-payment of wages by the economic and financial difficulties of the transition period, and one could not but support this point of view. However, the magnitude of the problem was aggravated by the incapacity of the Government and the local authorities to adopt measures ensuring application of the existing laws. For example, contrary to the law of Ukraine concerning the state budget for 1996, the credit side was fulfilled only at the rate of 87.6 per cent; the State had not received 4.3 billion grivnya, which resulted in the non-payment of wages, pensions and other benefits.

In this situation, the Federation of Trade Unions of Ukraine had organized on 17 October 1996 a national action of protest against the mass delays in the payment of wages, in which one and a half million people participated. Following this action the Government and the trade unions had conducted a new series of negotiations which led to the establishment of a timetable, approved by the Government, to settle outstanding debts in wages, pensions, stipends and other social benefits until 1 November 1997. Notwithstanding, the situation remained critical, with good reason to believe that this timetable would not be fulfilled. It was because nearly 11,000 enterprises, principally in the energy sector, where enormous financial resources were involved, did not pay any taxes to the state budget. The hidden deficit of the state budget of 1997 might surpass 16 billion grivnya or 8.8 billion US dollars, and would be placed on the workers' shoulders.

The Committee of Experts pointed out that Convention No. 95 required not only the full payment of wages, but also of the sums compensating the delays in the payment of wages. In this respect, the fact that the Government was postponing the adoption of the rules for compensating workers the partial loss of wages because of delays in their payment reflected their policy of always postponing matters. The Ukrainian trade unions fully understood that wages of the employees in the budget sector depended on the performance of the enterprises. Today, about 40 per cent of enterprises in Ukraine were paralysed. The Government still could not implement the economic reforms that it had announced. It placed too much hope on foreign investment, and particularly on help from the World Bank and the International Monetary Fund, which promised to give substantial credits for the development of the productive sector but conditioned them on the virtual liquidation of the existing system of social protection for the workers. The trade unions have recently demanded the resignation of the Vice Prime Minister and the Minister for Economic Affairs, because of the negative impact of the economic reforms on the workers.

The Ukranian Workers' members thought that the ILO might recommend the Ukrainian Government to speed up the submission of the draft laws to Parliament, aimed at strengthening not only the administrative but also the penal responsibility in case of delays of wage payment and other violations of the labour legislation. This Committee could also ask the Government to supply, by November of 1997, the information about the settlement of wage indebtedness according to the adopted timetable. If this timetable were not respected, the Ukrainian Trade unions would organize a new nationwide action of protest and would demand the dissolution of the Government, and the adoption of reforms which would ensure for the Ukrainian workers fair and regular wages.

The Workers' member of the Russian Federation stated that this case was a terrible violation of Convention No. 95 which concealed the impoverishment of thousands of families and reduced them to starvation and marginalization. The fact that the total wage debt amounted to 2.5 months of the country's payroll and that in 70 per cent of cases workers did not receive wages for over three months, indicated that there was an economic catastrophe which might lead to social upheaval. Many workers had lost trust in the fundamental values and institutions, such as democracy, social justice, responsibility of the Government and social partnership.

The Committee of Experts rightly emphasized the need for appropriate penalties to prevent and to punish such violations, as well as measures to compensate the damages which resulted from the delays in the payment of wages in conditions of creeping inflation. The Russian trade unions fully understood the suffering of their Ukrainian brothers, because the Russian workers experienced the same problem on a much larger scale. This problem became, in fact, an inescapable attribute of transition to the market economy. In the Russian Federation, for example, the wage debt exceeded 9 billion US dollars. The speaker inquired whether the price paid by the workers of the Ukraine, the Russian Federation and Belarus, and many other countries could be justified by the aims of the so-called transition? Should the truly democratic transformations in these countries turn out to inflict such enormous sufferings on their populations? These questions still awaited a reply, including from the ILO. There were millions of Russian workers who would not understand how this same problem of a much greater scope, in respect to their country, could have been taken out of the discussion by the International Labour Conference, by invoking purely legal arguments. They considered that cases of violation of Convention No. 95 in Ukraine and in other countries would be a real test for survival of the ILO itself, showing its ability to adapt to the new realities of the changing world.

The speaker explained the views of the Russian trade unions on the approach to be taken to ensure a prompt and effective solution of the problems linked to the application of Convention No. 95 in the countries concerned, covering state regulation of prices, tax and investment policies, the fight against corruption and the establishment of the effective state supervision in the application of the national legislation and implementation of sanctions. The ILO might provide additional advisory and technical assistance to the social partners in the Ukraine and other countries concerned in all those areas, either directly or through its multidisciplinary teams. The speaker also suggested that the basic principles and responsibilities established by Convention No. 95 should be enshrined in the new Declaration on the fundamental objectives of the ILO, the elaboration of which was being discussed at the present session of the Conference.

The Workers' member of Germany supported the detailed statements made by the Workers' members. Although he acknowledged that the economic situation was difficult in the country, he emphasized that only workers bore the burden of the situation which was inequitable. In addition, extreme poverty and extreme wealth were the consequences of the present economic situation. He believed that this would create a climate of high social tension that would have a negative influence on further social and economic development. The workers affected had lost their confidence in democracy and the need for economic restructuring. He appealed to the Government to establish a system which provided for compensation for the delayed payment of wages and for severe sanctions in the case of the non-payment of wages. Finally, he recommended that the ILO and the Bretton Woods institutions examine this case together with the Government in order to ensure the establishment of a situation that was in conformity with the Convention.

The Workers' member of Niger, wished to support the different declarations concerning the inappropriate accumulation of unpaid wages which clearly contravened the Convention and which had already been denounced on several occasions. The replies by the Government to the questions by the Committee of Experts could give the impression that it had become aware of the gravity of the situation where wages were no longer paid on a regular basis to 75 per cent of the civil servants and where certain enterprises paid their wages in kind. Still, the acts and decrees which had been adopted did not seem to have had any concrete effect to judge from the continued denunciations by the trade unions of significant delays in the payment of wages. This was a factor which discouraged workers and would hardly enhance the development of the national economy. The case of Ukraine was unfortunately not an isolated case: there were numerous developing countries, in particular in Africa, who were experiencing the same type of problems with an accumulation of arrears in the payment of wages. In Niger, the Government had even proposed to pay such wages in kind. The Government should be called upon to take all necessary measures to ensure an effective application of the Convention, as the normative system might otherwise collapse.

The Government representative thanked the Committee for the positive as well as the critical statements made in connection with the major problem that his country was experiencing. He hoped that labour legislation would be fully implemented soon. He appreciated the understanding shown by the Employers' members towards the problems experienced by a country with an economy in transition. His country had also been badly affected by the Chernobyl incident. Nevertheless, he understood the concerns expressed by the Workers' member of Ukraine and gave assurances that his country would adopt the maximum possible number of necessary measures to address those concerns. His Government was determined to take action to ensure that the obligations stemming from this Convention were fulfilled. He counted on continuing a positive dialogue with the ILO.

The Committee took note of the oral information provided by the Minister of Labour and the subsequent discussion in the Committee. The Committee noted that the problem was rooted in the existing incompatibility between the practice on the one hand and the national legislation and the provisions of the Convention on the other. The Committee noted with concern that the situation had not improved, in spite of the adoption of the legislative measures described by the Government. The Committee stated that this situation could not be prolonged and urged the Government to institute control mechanisms, sanctions and means to redress the injury caused, in order to ensure a regular payment of wages. The Committee urged the Government to apply the provisions of the Convention and to submit to the ILO a detailed report before the end of the summer for the Committee to be examined at its next session. The Committee requested the Government to include in this report information on the compliance with the schedule of payment of wages pursuant to the protocol entered into between the parties. Finally the Committee sincerely hoped that next year it would be able to observe specific progress and a normalization of the situation.

Convention No. 97: Migration for Employment (Revised), 1949

Malaysia (ratification: 1964). A Government representative of Malaysia provided information to the Committee with regard to the questions raised in relation to the Convention. He reaffirmed his country's commitment to pursuing a policy of equal treatment in employment in so far as foreign and local workers were concerned. This commitment had already been reflected in the various national labour laws currently in force in the country. The Employment Act, which was the principal labour legislation governing terms and conditions of employment, made no distinction between a foreign worker and local worker. Both were equally entitled to the rights and benefits provided for under the said Act, including a weekly rest day and paid annual leave and public holidays. Where the employer provided housing facilities to his workers, foreign or local, he would have to comply with the minimum standards required under the Workers (Minimum Standards of Housing and Amenities) Act. On matters relating to safety and health at the workplace, the Occupational Safety and Health Act provided for similar protection to both local and foreign workers. On social security, foreign workers also enjoyed similar benefits as their local counterparts in such areas as paid sick leave, medical leave, termination benefits and maternity protection. Where there was a collective agreement covering the enterprise, foreign workers were equally entitled as national local counterparts to all the benefits provided for in the collective agreement. In addition, a new legal provision was being proposed to require employers to accord equality of treatment to foreign workers on terms and conditions of employment. The proposed legal provision would ensure that where a foreign worker and a local worker were employed in similar work or a similar capacity both might be offered the same terms and conditions of employment. It was therefore evident that Malaysia had complied with the Convention both in law and in practice to the fullest extent as far as circumstances permitted. However, during the past few years, a similar objection had been raised against Malaysia on just one aspect of Article 6 of the Convention, pertaining to the payment of compensation in respect of employment injury and invalidity. Malaysia's explanation and clarification on this issue in all previous sessions had been met with disapproval by this Committee. He hoped that this time Malaysia's case would meet with deeper understanding by the Committee. The change in policy by the Malaysian Government, in accordance with which a certain category of foreign workers were placed under the Workmen's Compensation Act should not be viewed as a form of discrimination against foreign nationals working in Malaysia. The change in policy had been necessitated by compelling circumstances and unavoidable reasons. In the first place, he specified that not all foreign workers had been placed under the Workmen's Compensation Act. Only foreign workers who were not permanently resident in Malaysia had been placed under the purview of the Act, whereas foreign workers who were permanently resident in the country continued to remain under the Employees Social Security Act in the same way as their local counterparts. He hoped that the Committee would take particular note of this important point, which substantiated the fact that, wherever possible and practicable, foreign workers in Malaysia were accorded equal treatment with their local counterparts. In addition, he explained that the basic difference between the Employees Social Security Scheme and the Workmen's Compensation Scheme was that the former provided compensation for employment injury and invalidity in the form of periodic payments, while the latter provided compensation in the form of lump-sum payments. For many years, all categories of foreign workers had been placed under the Employees Social Security Scheme together with nationals. However, as of 1 April 1993, the Government, after carrying out an in-depth study on the matter, had decided to transfer foreign workers who were not permanently resident in the country from the Employees Social Security Scheme to the Workmen's Compensation Scheme. It had been found that the previous system, where non-permanent resident foreign workers were placed under the Employees Social Security Scheme had been operating under tremendous administrative and operational problems. In general, non-permanent resident foreign workers worked in Malaysia under a work permit for a maximum period of three years, after which they had to return to their countries. Past experience showed that once the foreign workers had left Malaysia, extreme practical difficulties arose in obtaining accurate information from them which was urgently required for operational purposes. Even such basic information as whether the beneficiary was still alive or whether he or she had recovered from disability was difficult to obtain and verify, which gave rise to problems in deciding on the continued entitlement of the beneficiary to the periodic payments. Such problems could also cause genuine beneficiaries to be deprived of periodic payments to which they were rightfully entitled. In practice, therefore, the absence or inaccuracy of such vital information constantly threatened, not only the effective functioning of the scheme, but also its viability. It was for these reasons that non-permanent resident foreign workers had been taken out of the Employees Social Security Scheme and placed under the Workmen's Compensation Scheme, under which compensation for employment injury and invalidity could be paid in a lump sum before their departure to their home countries. The decision to place non-permanent resident foreign workers under the Workmen's Compensation Scheme had therefore been motivated by the desire of the Malaysian Government to protect such foreign workers under a scheme that best served their interests.

The intention of the Government of Malaysia to ensure that non-permanent resident foreign workers did not lose out from the change in policy was clearly reflected in the two follow-up measures taken by the Government, immediately after the transfer of these foreign workers from the Employees Social Security Scheme to the Workmen's Compensation Scheme. One of the measures taken was the amendment of the Workmen's Compensation Act to increase the level of the lump-sum compensation payable to such foreign workers by some 25 per cent. The other measure was the extension of the coverage of the Workmen's Compensation Scheme, which took effect on 1 November 1996. Before the extension, the scheme had only covered employment injury sustained as a result of accidents occurring during working hours. Following the extension, foreign workers enjoyed 24-hour coverage and protection against employment injury and invalidity arising out of accidents occurring during and outside working hours, thereby doubling the coverage and protection. To further enhance the level of protection of foreign workers, legal rules had been established requiring employers, firstly, not to dispute any claim for compensation by foreign workers and, secondly, to settle the compensation payable within seven days of the receipt of the compensation assessment from the Labour Department, thereby ensuring a litigation-free and worry-free right to compensation for foreign workers who sustained employment and non-employment injury and invalidity. Even nationals did not enjoy such protection. Under these circumstances, the contention that the value of the benefits provided under the Workmen's Compensation Scheme was substantially lower than that provided under the Employees Social Security Scheme should no longer be pursued.

He added that there were many other forms of labour protection under which foreign workers in Malaysia enjoyed equal treatment compared with their local counterparts.

The complaint against Malaysia under Convention No. 97 appeared to be based on the contention that, unless local and foreign workers were placed under the same scheme, there would be no equality of treatment between them. Malaysia's experience showed that this idealistic concept was not only impossible to implement, but also unfavourable to the foreign workers concerned. This was the reason why Malaysia had not been able to abide by the recommendations of the Committee of Experts to transfer the foreign workers back under the Employees Social Security Act. He therefore appealed to the Conference Committee to adopt a more flexible and realistic approach by giving due consideration to national circumstances, so that member States could respect and implement its recommendations.

The Employers' members thanked the Government representative for his clear statement concerning the matters raised by the Committee of Experts in relation to the situation in law and practice of accident compensation coverage for foreign workers in Malaysia. Although foreign workers had originally been integrated into the national social security system in the same way as national workers, they had subsequently been transferred to a different compensation scheme, under which accident compensation was dealt with in a different manner. One of the principal differences was that, under the new scheme, they were provided with a lump sum, but not periodic payments in accordance with the provisions of the Convention. Indeed, whereas the Convention required equality of treatment between foreign and national workers, this did not exist in practice. The Government representative had advanced a number of reasons for this difference in treatment in response to the comments of the Committee of Experts. When the case had been considered previously, one of the points considered had been the fact that agreements had been concluded with labour sending countries and the foreign workers concerned under which they consented to their coverage under different legislation from that covering nationals. However, the Government representative had not provided any information on this point. The Employers' members emphasized that accident compensation coverage was not a subject for negotiation. Although Article 6 of the Convention permitted a number of exceptions to the rule of equality of treatment, these exceptions did not apply in this case. The reasons now advanced by the Government representative for the change in coverage had included the fact that foreign workers normally remained for only three years in Malaysia before returning to their countries. The fact that it was then difficult to obtain information concerning these workers was important and could result, in practice, in the non-payment of their benefits. It might be possible to sympathize with the reasons advanced for the change that had been made in their accident compensation coverage. It was also possible that the new system might be less burdensome to operate. The Employers' members also acknowledged that certain improvements had been made to the accident compensation coverage scheme for foreign workers, including its extension to cover accidents occurring outside working hours and an increase in the level of the lump sum. However, information had not been provided on how the revised lump sum compared to the level of the periodical payments made to nationals of Malaysia. However, the system was not in accordance with the requirements of the Convention. The Employers' members considered that the Government should comply with the measures requested by the Committee of Experts. They believed that the Government should also explain the new elements that it had raised in its statement today in a detailed report to the Committee of Experts. The Government should take note of the fact that the situation was not fully in accordance with the requirements of the Convention and should re-examine the situation to see whether accident compensation could be structured as it had been in the past. The basic principle set out in the Convention was that foreign workers should receive exactly the same treatment as nationals, and that there could be no exceptions to that principle.

The Workers' members thanked the Government representative for the additional information provided, and stressed that the protection and promotion of the principle of equality of treatment of workers was one of the priority objectives of international standard setting activities. The globalization of the economy stimulated both the internationalization of the markets, products, services and capital as well as the number of migrant workers. Migrant workers were one of the most vulnerable groups as regards social rights, and the international community should ensure that they were not subjected to any form of discrimination. Furthermore, ensuring that equality of treatment in employment was extended to migrant workers, certainly contributed to good relations, as well as peace among people, regions and countries. It was significant to note that, in many States, workmen's compensation for occupational injuries was one of the first branches of social security to develop and that internationally, it was one of the first topics considered by the ILO, resulting inter alia in the adoption of the Workmen's Compensation (Agriculture) Convention (No. 12), the Workmen's Compensation (Accidents) Convention (No. 17) and the Workmen's Compensation (Occupational Diseases) Convention (No. 18), in the 1920s.

Discrimination in Malaysia against migrant workers in the context of workmen's compensation was discussed in the present Committee last year, as, since 1993, migrant workers were no longer covered by the social security system which applied to national wage earners. The compensation system envisaged for migrant workers was a lump sum benefits system rather than a system of periodic payment of benefits. When this case was discussed last time, the Government declared that the 1993 Employees Social Security Act was being amended, and that the amendments adopted would be transmitted to the ILO, which, in fact has been done. According to the Government, the amendments were intended to improve the situation, namely by increasing the ceiling on the lump-sum benefits payable to the beneficiaries. The Government was of the opinion that this legislation, on the whole, conformed to the relevant international standards and that the differences in the compensatory systems were caused by administrative difficulties, exposed in detail during this session. The present Committee noted, however, in 1996, that different methods of administering systems of compensation could not justify a difference in treatment between Malaysian nationals and migrant workers as regards the level of compensation. The amendments only increased the ceiling on the lump-sum benefits payable to the beneficiaries and thereby confirmed a discriminatory situation. In its last discussion of the case, the Committee of Experts took note of the information provided by the Government according to which certain categories of nationals were not covered under the 1993 Act, and that States sending migrant workers to Malaysia endorsed the removal of foreign workers from the ambit of the 1993 Act. Furthermore, it seemed that foreign workers voluntarily consented to this arrangement when accepting work in Malaysia. The Workers' members stressed the fact that the Convention did not permit a departure from the principle of equality of treatment in respect of benefits payable in case of an accident by way of an individual agreement or by way of an agreement with the country of origin of the migrant workers. In the terms of the Committee of Experts, the principle of equal treatment between nationals and non-nationals could not be bargained away, even with the consent of the workers concerned. A departure from basic rights was only allowed if a Convention so provided, and such was not the case in respect of Convention No. 97. Finally, while acknowledging that the legislative amendments contributed to an improvement of the situation, the Workers' members were of the opinion that equality of treatment had not yet been attained. They urged the Government to adopt new amendments which would ensure that migrant workers, the labour force necessary for the prosperity of Malaysia, would be treated on an equal footing with nationals as was the case before 1993. The Government should keep the ILO informed of the developments in this case and of the difficulties encountered in practice, and it should be recalled that technical assistance from the ILO was available upon request. They clarified that they would like to receive statistical information concerning the number and the gravity of occupational accidents suffered by migrant workers in relation to the total number of occupational accidents.

The Employers' member of Malaysia endorsed the explanation provided by the Government representative of the practical difficulties involved in providing the foreign workers concerned with coverage under the Employees Social Security Scheme, and the consequent need for them to be covered by the Workmen's Compensation Scheme. In addition to the reasons invoked by the Government representative, she indicated that, under the Employees Social Security Scheme, invalidity pensions and survivors' benefits only became due when workers had completed a certain qualifying contribution period. Foreign workers who had not met this requirement would not be eligible to receive compensation under the Employees Social Security Scheme. However, the Workmen's Compensation Scheme required no such qualifying period before compensation became payable. The coverage of the foreign workers in question by the Employees Social Security Scheme would therefore be detrimental to their interests. Moreover, she pointed out that the payment of a lump sum to these workers instead of periodic payments did not constitute discrimination. Indeed, it ensured that they were paid compensation even if they did not meet the eligibility requirements of the Employees Social Security Scheme and were paid an upfront lump sum before they left the country. In view of the particular circumstances of the case, she urged the Committee to adopt a pragmatic approach, since it was clear that the policy in question had been established for the purpose of safeguarding the interests of the foreign workers concerned.

The Workers' member of Korea pointed out that Asian countries were experiencing important labour flows which were contributing to the economic growth of the region. The workers were attracted to countries such as Malaysia, where employment opportunities as well as wages were better. In this context, foreign workers were often placed in a precarious situation and were the victims of discrimination in comparison to national workers. Since the priority of migrant workers was to find employment, they were not really concerned about the risks which they could face in their work and did not therefore worry about the consequences of an accident in the workplace. States which accepted these workers must take the necessary measures to protect such vulnerable workers against accidents. In the case of an accident, appropriate compensation, similar to that received by national workers, without any discrimination, must be guaranteed. This obligation existed even in the case of illegal foreign workers. He was therefore surprised that such agreements had been concluded by the States which sent the migrant workers and that these workers had accepted such arrangements. However, it was important to remember that migrant-sending countries were not always in the best position to negotiate.

The Workers' member of Spain pointed out that it was a matter of concern that, despite the geographical distance between Malaysia and Europe, the same problem still occurred, namely difference of treatment for migrant workers. Nevertheless there was one difference. In Europe, there was difference of treatment in practice, even though it was prohibited by national legislation and constitutions. It appeared difficult to understand that these differences existed, and yet efforts were being made to eliminate them. The Committee of Experts had observed that in Malaysia the inequalities in treatment were contained in the legislation, particularly with regard to benefits in case of work accidents, which were lower for migrant workers. He stated that this inequality could not be justified by saying that these conditions had been accepted in the country of origin of the workers. He pointed out that the only manner in which the Government of Malaysia could bring its legislation into conformity with the Convention was by eliminating any reference to difference of treatment between nationals and migrant workers. Finally, he endorsed the statements made by the Workers' members.

The Employers' member of the Islamic Republic of Iran insisted on the fact that the Committee should take a practical approach concerning the case of Malaysia, since a strict interpretation of the Convention would not be in the interests of the workers concerned. Moreover, he emphasized that the measures taken by the Government were fully in the interests of foreign workers.

The Workers' member of Malaysia endorsed the explanations provided by the Government representative and stated that the Government was doing all that was necessary to safeguard the welfare and interests of foreign workers. The fact that accident compensation coverage for foreign workers had been extended outside working hours and that compensation payments were made within a period of one week illustrated the concern of the Government for this category of workers.

The Government representative thanked all of the speakers for the interest that they had expressed in the case and took note of their comments. He did not consider that it was necessary to reply to each of the points that had been raised, but felt that instead a few words would be appropriate on the manner in which the Conference Committee approached its work. The Conference Committee dealt with cases concerning individual governments and played the role of the enforcement arm of the ILO. In so doing, it prosecuted, and even persecuted, the governments in question, who were subjected to great pressure. It was very rare in these proceedings for there to be expressions of mercy or indications of encouragement. As a result, some countries might be frightened into compliance. However, in general, most countries had become immunized. The work of the Committee was therefore becoming increasingly unproductive and even counterproductive. The question needed to be raised as to whether the Conference Committee was conducting its business in the most effective way. The Committee was of great importance and needed to function effectively all the time. A team approach should therefore be adopted to improving compliance with Conventions in order to help member States overcome problems of implementation. The Committee would therefore need to promote its role as a facilitator of progress. A distinction should also be made between genuine problems of application and real cases of violations. In particular, the member States concerned should be treated with honour and respect so that no delegates were left discouraged, and therefore demotivated.

The Employers' members expressed surprise at the reaction of the Government representative to a discussion which had appeared relatively mild, factual and appropriate to the circumstances of the case. The mandate of the Conference Committee was quite clear in this respect. The purpose of bringing cases to the Committee for its examination was to highlight and illuminate problems arising in the application of ratified Conventions and to provide assistance in overcoming such problems. This was what had occurred in this case. No speakers had allowed their interventions to go beyond the scope of the report of the Committee of Experts and the intention was to assist the Government in achieving full compliance with the Convention.

The Workers' members supported the comments of the Employers' members concerning the last intervention made by the Government representative. In the case of Malaysia, the Committee had limited itself to the execution of its mandate, as defined by article 7 of the Standing Orders, by ensuring that the provisions of the Convention were applied in practice. In this case, as in other cases, the different interventions in the Committee concerning the case of Malaysia had been of a serene nature and were fully in line with the mandate of the Committee. Finally, they recalled that they had requested the Government to indicate the difficulties encountered in the implementation of the Convention in order to seek solutions together.

The Committee noted the information given by the Government representative as well as the subsequent detailed discussion. The Committee, like the Committee of Experts, considered that the level of benefit in case of industrial accident was lower for foreign workers than for nationals. The Committee stressed that equality of treatment between nationals and foreign workers could not be bargained away, even with the consent of the workers, and that legislative amendments which had been adopted only served to increase the ceiling on lump-sum benefits and did not provide for periodic payment. It once again insisted that the Government adopt necessary measures so that foreign workers benefited from the same conditions as nationals. The Committee asked the Government to furnish detailed information to the Committee of Experts and hoped to be in a position to look at the case again next year, if it was judged appropriate.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Indonesia (ratification: 1957). The Government has supplied the following information:

1. The Government has sent communications to the ILO dated 22 September, 23 September and 26 October 1994, and 18 January 1995, and 5 September 1996. As stated repeatedly in these reports, the Government has and continuously pays great attention to the workers' protection and welfare. The existing labour laws and regulations provide adequate protection of workers' rights to organize and collective bargaining. However, the Committee on Freedom of Association has requested further information from the Government.

The right to organize in Indonesia is fully recognized under the Indonesian Constitution and laws. The 1945 Constitution, article 28, states that: "Freedom of association and assembly, of verbal and written expression and the like, shall be prescribed by law". In addition, Act No. 14 of 1969 on The Provisions Respecting Manpower, article 1, states that "All manpower shall have the right to establish and become a member of a workers' union". Other regulations that reveal the right to organize are Act No. 22 of 1957 on the Settlement of Labour Disputes and Act No. 12 of 1964 on Termination of Employment in Private Undertakings. Act No. 22 of 1957, article 2, paragraph (1), states that: "If a labour dispute arises, the trade union and the employer shall seek to settle the dispute peacefully by negotiation".

Article 3, paragraph (1), of this Act states that: "If the negotiation between the disputing parties does not result in a settlement and they do not intend to submit their dispute to be settled by arbitration to an arbitrator or Board of Arbitration, then such situation must be notified to the official in writing by both, or either one of the parties". In addition, paragraph (2) of article 3 states that: "The notification as meant in the preceding paragraph shall be regarded as a request to the official concerned, which must be granted, to conciliate and seek a settlement of the disputes".

Article 6, paragraph (1), of this Act states that: "If in a dispute one of the parties intends to take action against the other party, such intention shall be notified in writing to the other party and to the Chairman of the Regional Committee. This notification shall also give details of the outcome of negotiations on the matters in dispute between the employees and the employers concerned, as presided over or conciliated by the official or stating that a request for negotiation was rejected by the second party, or that the second party has failed twice within two weeks to respond to the invitation of the first party to negotiate on the matters in dispute".

Article 8, paragraph (1), of this Act states that: "The Regional Committee in its endeavour to settle a labour dispute shall do everything possible having regard to the law, existing agreements, custom, justice, and the interests of the State".

Furthermore, article 1, paragraph (1), of Act No. 12 of 1964 states that: "The employer shall do his best to prevent termination of employment." Yet paragraph (2) of this article mentions "Termination of employment is prohibited: (a) while the worker is not able to perform work due to sickness, certified by a doctor, over a period not exceeding 12 (twelve) consecutive months, and (b) while the worker is prevented from performing work due to his fulfilling his duties towards the State as determined by law or the government or to the performance of his religious duties as commanded by his religion and approved by government".

Article 2 of this Act states that: "If, following such endeavours, the termination of employment cannot be avoided, the employer shall discuss his intention to do so with the worker's organization concerned or with the worker himself, should the worker not be a member of a workers' organization." Article 3, paragraph (1), further states that: "Should the discussion referred to in article 2 clearly fail to bring about agreement, the employer may dismiss the worker concerned only after having obtained a permit from the Regional Committee for the Settlement of Labour Disputes (Regional Committee), respecting individual dismissals and from the National Committee for the Settlement of Labour Disputes (National Committee) respecting mass dismissals. A dismissal is considered to be a mass dismissal if, in an undertaking, the employer has terminated the employment of ten or more workers within a period of one month, or has affected a series of terminations indicative of an intention to achieve mass dismissal." Moreover, article 5, paragraph (1), of Act No. 12 of 1964 mentions: "A request for a permit to dismiss, together with the reasons for termination, shall be submitted in writing to the Regional Committee within whose jurisdiction the residence of the employer is located, in respect of individual dismissals, and to the National Committee in respect of mass dismissals. In deciding upon a request to terminate employment the Regional or National Committee, as the case may be, shall take into account the condition and development of the labour market and the interests of both the worker and the undertaking (article 7, paragraph (1)). In granting a permit the Regional Committee or the National Committee, as the case may be, may also lay down the obligations of the employer to the worker regarding severance pay, service pay and other compensation of other kinds". The fixing of the amount of severance pay, service pay and other compensation shall be laid down by Ministerial Regulation. Such regulation, to be made by the Minister of Manpower, shall also provide a wage concept formula upon which to base the payment of severance pay, service pay and other compensation.

Article 8 of this Act states that: "The worker, the employer, or the worker's or employer's organization concerned, may appeal to the National Committee against refusal by a Regional Committee to issue a permit of dismissal, or a conditional permit, within 14 days of such refusal having been received by the parties concerned. The National Committee shall deal with such appeals in accordance with the appeal procedure laid down for the settlement of such labour disputes. Termination of employment without such a permit shall be null and void, *ipso jure.*"

2. *The development of trade unions.* The right of each person to organize and to express opinions, both oral and written, is secured and regulated under Indonesian laws and regulations including the 1945 Constitution. In addition, Indonesia has also ratified ILO Convention No. 98 of 1949 on the Right to Organise and Collective Bargaining as stated in Act No. 18 of 1956. Act No. 21 of 1954 provides stipulations on collective agreements between trade unions and employers.

Conclusions of the Committee on Freedom of Association were very critical on the freedom of Indonesian workers to organize. The Government of Indonesia feels it is important to present the historical background on trade unionism in Indonesia which tended towards a consensus for unification.

During the period of Dutch colonialism, the trade union movement was initiated by Dutch employees in the Government offices and private enterprises such as the Nederlands Indische Onderwijs Genootschap, 1897, Postbond or Post Workers' Union, 1905, Suikerbond or Sugar Workers' Union, 1906, and Cultuurbond or Agriculture Workers' Union, 1907.

The early stage of the trade union movements among Indonesian workers was inspired by the national movements such as Budi Utomo or Association of Scholars led by Budi Utomo, 1908, the Serikat Dagang Islam or Moslem Traders' Association, 1911, the Partai Komunis Indonesia or Indonesian Communist Party, 1920, and the Partai Nasional Indonesia or Indonesian National Party, 1927. Along with those movements, several trade unions were established such as Perserikatan Guru Hindia Belanda or Teachers' Association, 1912; Spoorbond or Train Workers' Union, 1913; Perserikatan Pegawai Pegadaian Bumi Putera or Pawning Employees' Association, 1914; Serikat Pegawai Pekerjaan Umum or Public Works Employees' Association, 1917; and Serikat Pegawai Hindia Belanda or Government Employees' Association, 1930.

In 1919, Perserikatan Pegawai Pegadaian Bumi Putera (PPBP) organized its first congress in Bandung. The congress came to the conclusion that all existing trade unions should be united into one organization. Then they established Persatuan Pergerakan Kaum Buruh (PPKB) or Association of Labour Movements as the only federation in the country.

Secondly, soon after independence in August 1945, several groups established new trade unions. One of them was Barisan Buruh Indonesia (BBI) or the Indonesian Labour Movement. It was established on 19 September 1945 and claimed that all existing trade unions were its members. The Indonesian Labour Movement (BBI) held its first congress on 17 November 1945 in Solo. At this congress a conflict arose. One group advocated that the existing labour organizations should remain as a socio-economic movement. The second group held a congress in Madiun on 21 May 1946 and established Gabungan Serikat Buruh Indonesia (GASBI) or Federation of Indonesian Trade Unions, with the aim of raising the living standards of union members.

On 29 November 1946, GASBI and another federation of trade unions, namely Gabungan Serikat Buruh Vertikal (GASBEV), or Federation of Joint Vertical Trade Unions, merged and established an organization called Sentral Organisasi Buruh Seluruh Indonesia (SOBSI) or Federation of Indonesian Workers' Organization. In May 1947 this organization held a congress in Malang. From this time, this organization was directed towards communism and affiliated to the Partai Komunis Indonesia (PKI) or Indonesian Communist Party. It was proven that SOBSI was involved in the uprising revolt led by the Communist Party in Madiun in September 1948, as well as in the abortive coup of Gerakan 30 September/PKI or the 30 September Movement in 1965.

During the period from 1946 to 1960 trade unions grew quickly because most of the existing political parties established trade unions. The main objective of the political parties was to use these trade unions to recruit the maximum number of members in the interest of their own parties, particularly as they were facing the first general election in 1955. Since the struggle of the trade unions was apparently for the political interest of their respective parties, the struggle for the workers was neglected. At that time, a number of organizations were established. Among them were Serikat Buruh Islam Indonesia (SBII) or Indonesian Moslem Labour Union, 1947, which affiliated to Partai Masyumi or Masyumi Moslem Party; Gabungan Serikat Buruh Revolusioner Indonesia (GASBRI) or the Federation of Indonesian Revolutionary Workers, 1948, which affiliated to Partai Murba or Murba Party; Serikat Buruh Muslimin Indonesia (SARBUMUSI) or Indonesian Islamic Labour Union, 1955, which affiliated to Nahdatul Ulama or Nahdatul Ulama Moslem Party/Society; and Kesatuan Buruh Marhaen or Marhaen United Workers, 1956, which affiliated to Indonesian National Party, etc. There were approximately 150 national trade unions, hundreds of local trade unions, and seven federations of trade unions. Almost all of the existing trade unions focused on political activities, ignoring their main function, which was to improve the social welfare of the workers and their families. Therefore, in 1960, there was a move to establish the Organisasi Persatuan Pekerja Indonesia (OPPI) or Indonesia Workers' Organization to unite all existing trade unions. This was opposed by SOBSI, an organization affiliated to the Communist Party (PKI). However, in 1961, Sekretariat Bersama Perjuangan Buruh Pelaksana Trikora (Sekber Buruh) or the Joint Secretariat of Workers' Movement on West Java was established in order to unite trade unions with respect to endeavours to return West Irian to the Republic of Indonesia.

Thirdly, the Communist Party and SOBSI continued to disintegrate trade unions in Indonesia. The disintegration among trade unions increased and reached its peak with the rebellion of the 30 September Movement of the Indonesian Communist Party (G30S/PKI).

Learning from this experience, soon after the abortive coup of the Communist Party in 1966, trade union leaders realized that in order to make the trade union movement stronger, they had to unify themselves, and they should not put the trade union movement under any political party. For this reason, the trade union leaders established Keszatuan Aksi Buruh Indonesia (KABI) or the Coordinated Indonesian Workers' Movement in early 1966. KABI struggled for political goals while socio-economic aspects of trade unions in Indonesia were handled by Sekber Buruh. On 1 November 1969 the spirit of Indonesian unionism reasserted itself again through the establishment of Majelis Permusyawaratan Buruh Indonesia (MPBI) or the Indonesian Trade Union Congress. This organization was established as a forum for dialogue on labour matters and to improve the general atmosphere of the labour movement. The MPBI was based on Pancasila and the Indonesian Constitution of 1945. Its members consisted of 21 trade unions.

Freedom of expression and of establishment of trade unions in Indonesia has developed. Workers' unions are independent and obviously do not depend on, nor are they influenced by, any organization or party. This shows great progress up to early 1973 when most trade unions in Indonesia were part of political organizations or parties. Their movement very much depended on political parties. As a result, the trade unions were unable to create and to implement sound industrial relations, and were unable to struggle for the improvement of workers' social welfare.

In the 1970s, the Government of Indonesia encouraged the leaders of all political parties to simplify their organizations. The parties finally agreed to reduce the number of political parties. Several parties merged to establish Partai Persatuan Pembangunan or the Development Unity Party and several others merged to establish Partai Demokrasi Indonesia or the Indonesian Democratic Party. The Functional Group or Golongan Karya (GOLKAR) also operated as a political party. This simplification had an effect on the trade unions, as most lost their parent bodies in the political parties. In this situation, the MPBI held a seminar in Tugu on 21-28 October 1971. All representatives of trade unions participated in the seminar and reconfirmed the necessary characteristics of the labour movement in Indonesia as follows:

— firstly, the labour movement must not be influenced by any political parties;

— secondly, trade union activities must be focused on socio-economic issues;

— thirdly, the existing trade unions must be reorganized and united through persuasive approaches;

— fourthly, the organizational structure of the labour movement must be improved; and

— fifthly, trade unions must not depend on external budget resources.

The seminar successfully exposed the idea of focusing the labour movement on its proper functions, responsibilities, and unification. As the follow-up to this seminar, the MPBI held a plenary meeting on 24-26 May 1972 to discuss reformation and simplification of the existing trade unions. They were encouraged to merge and establish one new organization of workers.

The determination to establish a single trade union federation in Indonesia was expressed in the Declaration of All Indonesia Workers' Unity in Jakarta on 20 February 1973, and following that, the Federasi Buruh Seluruh Indonesia (FBSI), or Indonesian Workers' Federation, was established. The trade union leaders agreed to set up a new system of trade unionism based on the following provisions:

— workers' organizations or trade unions were based on industrial sectors or trade;

— no trade union should affiliate to any political party;

— there should be only one trade union in each enterprise affiliated to an appropriate Serikat Buruh Lapangan Pekerjaan (SBLP) or industry-based trade union.

All existing 21 trade union federations agreed to merge into FBSI, namely:

(1) Gabungan Serikat-Serikat Buruh Islam Indonesia (GASBINDO, Federation of Moslem Workers' Organization);

(2) Kesatuan Buruh Pancasila (KUBU PANCASILA, Pancasila Workers' Union);

(3) Konsentrasi Nasional Gerakan Karya Buruh (KONGKARBU, National Concentration of Workers' Movement);

(4) Gabungan Organisasi Buruh Serikat Islam Indonesia (GOBSII, Federation of Moslem Workers' Society Organization);

(5) Kesatuan Buruh Marhaenis (KBM, Marhaenis Workers' Union);

(6) Kongres Buruh Islam Merdeka (KBIM, Independent Moslem Workers' Congress);

(7) Sentral Organisasi Buruh Republik Indonesia (SOBSI, Central Organization of Workers of the Republic of Indonesia);

(8) Gerakan Buruh Muslim Indonesia, (GERBUMI, Indonesian Moslem Workers' Movement);

(9) Gabungan Serikat Buruh Indonesia (GSBI, Federation of Indonesian Labour Union);

(10) Serikat Buruh Muslimin Indonesia (SARBUMUSI, Indonesian Moslem Labour Union);

(11) Persatuan Karyawan Buruh Indonesia (PERKABI, Association of Indonesian Workers);

(12) Kesatuan Pekerja Kristen Indonesia (KESPEKRI, Association of Christian Workers);

(13) Federasi Buruh Islam Indonesia (FBII, Federation of Moslem Workers);

(14) Persatuan Organisasi Buruh Islam Indonesia (PORBISI, Association of Indonesian Moslem Labour Organizations);

(15) Federasi Buruh Kerakyatan Indonesia (FBKI, Workers' Association of Indonesian Common People);

(16) Sentral Organisasi Buruh Pancasila (SOB PANCASILA, Central Organization of Pancasila Workers);

(17) Ikatan Karyawan Muhammadiyah (IKM, Muhammadiyah Workers' Association);

(18) Kongres Buruh Seluruh Indonesia (KBSI, Congress of all Indonesian Workers);

(19) Kesatuan Karyawan Buruh (KEKARBU, Association of Workers);

(20) Persatuan Guru Republik Indonesia (PGRI, Indonesian Teachers' Association);

(21) Serikat Pekerja Pegawai Pos, Telepon dan Telegraf (SSPPT, Post, Telephone and Telegraph Trade Union).

The Government appreciated the consensus of the abovementioned trade union leaders and issued Manpower Ministerial Decision No. 286 A/DDII/DPHK/1974 on 11 March that recognized the FBSI as the only "Federation" in Indonesia, as the result of the merger of the previous federation and trade unions.

Since the establishment of the FBSI, trade union leaders have endeavoured to strengthen the unionism of Indonesian workers through the new organization. Consolidation and reformation of workers' organizations continued as the organization of workers needed to be based on industrial sectors or professional fields. The FBSI represented Indonesian workers at both national and international levels.

In its early stage, the FBSI consisted of 19 Serikat Buruh Lapangan Pekerjaan (SBLPs) or industrial-based trade unions. However, in 1973 the Congress of Indonesian Teachers' Association (PGRI) declared itself an independent professional organization and left the FBSI. Then, in 1976 the Congress of Serikat Buruh Transport (Transportation Workers' Union) split into three SBLPs namely the Serikat Buruh Angkutan Jalan Raya or Inland Transportation Workers' Union, the Serikat Buruh Angkutan Sungai, Danau dan Ferry or River, Lake and Ferry Transportation Workers' Union, and the Serikat Buruh Transport Udura or Air Transportation Workers' Union. As a result there were 21 SBLPs namely:

(1) Serikat Buruh Pertanian dan Perkebunan (SBPP, Farm and Plantation Trade Union);

(2) Serikat Buruh Minyak, Gas Bumi dan Pertambangan Umum (SBPMU, Oil, Gas and Mining Trade Union);

(3) Serikat Buruh Rokok dan Tembakau (SBRT, Cigarette and Tobacco Trade Union);

(4) Serikat Buruh Makanan dan Minuman (SBMM, Food and Beverage Trade Union);

(5) Serikat Buruh Tekstil dan Sandang (SBTS, Textile and Cloth Trade Union);

(6) Serikat Buruh Perkayuan (SBP, Wood Trade Union);

(7) Serikat Buruh Percetakan dan Penerbitan (SB Perpen, Printing and Publishing Trade Union);

(8) Serikat Buruh Farmasi dan Kimia (SBFK, Pharmacy and Chemical Trade Union);

(9) Serikat Buruh Logam dan Keramik (SBLK, Metal and Ceramic Trade Union);

(10) Serikat Buruh Asembling Mesin dan Perlengkapan (SBAM, Machine and Equipment Assembly Trade Union);

(11) Serikat Buruh Karet dan Kulit (SBKK, Rubber and Leather Trade Union);

(12) Serikat Buruh Elektronik (SBE, Electronic Trade Union);

(13) Serikat Buruh Bangunan dan Pekerjaan Umum (SBBPU, Building and Public Works Trade Union);

(14) Serikat Buruh Niaga, Bank dan Asuransi (SB NIBA, Commerce, Bank and Insurance Trade Union);

(15) Serikat Buruh Pariwisata (SBPAR, Tourism Trade Union);

(16) Serikat Buruh Maritim (SBM, Maritime Trade Union);

(17) Serikat Buruh Pelaut Indonesia (SPI, Indonesian Seafarers' Union);

(18) Serikat Buruh Angkutan Jalan Raya (SBAJR, Inland Transportation Trade Union);

(19) Serikat Buruh Angkutan Sungai, Danau dan Ferry (SBASDF, River, Lake and Ferry Transportation Trade Union);

(20) Serikat Buruh Transport Udara (SBTU, Air Transportation Trade Union);

(21) Serikat Buruh Kesehatan (SB KES, Health Trade Union).

The Government appreciates the attitude and spirit of the trade union leaders to be associated in one federation, the FBSI. During its Second National Congress held in Jakarta on 26-30 November 1985, the FBSI agreed on a decision to change the name and organizational structure of FBSI to a unitary organization to be called the Serikat Pekerja Seluruh Indonesia (SPSI) or All Indonesian Workers' Union. As the continuation of the FBSI established on 20 February 1973, the SPSI now moved to merge the workers' unions of the various industrial sectors. The SPSI is a professional organization of workers based on Pancasila.

The objective of this organization is to unify workers and to foster a sense of collective purpose of workers, to protect and maintain workers' interests and rights, and to improve social welfare and conditions of work. Meanwhile, the SPSI has a responsibility to mobilize workers to fulfil their obligations, as well as to be disciplined, productive, innovative and responsible.

The SPSI was set up as a unitary organization with only one central executive board consisting of nine departments, namely:

(1) Department of Agriculture and Plantation;

(2) Department of Metals, Electronics and Machines;

(3) Department of Textiles and Garments;

(4) Department of Tourism, Food and Beverages;

(5) Department of Pharmacy and Health;
(6) Department of Chemicals, Energy and Mining;
(7) Department of Trade, Banking and Insurance;
(8) Department of Public Works and Forestry;
(9) Department of Transportation.

As a result of this restructuring, there were several trade union leaders who were not elected as executive members of the SPSI or to any position in a department. They became frustrated, and then made every effort to come back to the old organization in the form of a federation. Some of them established a trade union called "Sekretariat Bersama SBLP" (Joint Secretariat of SBLP), and the others established "Serikat Buruh Merdeka Setia Kawan" (Independent Trade Union of Solidarity). Both organizations had no members or followers and no longer survive.

The Third National Congress of SPSI in November 1990 decided to restructure SPSI by changing the nine departments to 13 sectoral unions. Each sectoral trade union has its own central and regional executive board. Meanwhile, the provincial and district executive boards of SPSI retain the function as coordinators of the sectors at regional levels. The return to a federation structure together with the establishment of independent and democratic industrial sector-based unions was agreed as the way forward to facilitate the creation of close relations between workers and their unions and of more effective representation. These changes were reconfirmed by the Board of Executives of SPSI at its national meeting held in October 1994. The sectoral trade unions are:

(1) building construction and public works;
(2) timber;
(3) trade, banking and insurance;
(4) publishing and printing;
(5) tourism;
(6) food, beverages and cigarettes;
(7) chemicals, energy and mining;
(8) metal, electronics and machines;
(9) textiles, garments and leathers;
(10) transportation;
(11) seafarers;
(12) agriculture and plantations;
(13) pharmacy and health.

In November 1995, the SPSI held the Fourth National Congress. Prior to that Congress, each sectoral trade union held its respective national conference. The conferences of: Cigarettes, Tobacco, Food and Beverage Trade Union held on 2 August 1995; Wood and Timber Trade Union on 23-27 August 1995; Building Construction and Public Workers' Trade Union on 12-15 September 1995; and the other nine sectoral trade unions held their national conferences in September 1995. The culmination of those activities was the Fourth National Congress of SPSI held in November 1995. In the framework of improving workers' understanding of their rights and obligations, the SPSI has set out a Doctrine for Indonesian Workers, which emphasizes that in executing their rights, workers should also realize their obligations. They should realize that workers and employers have mutual interests and common goals.

In conclusion, it was the decision of the trade union leaders to set up their own organizations whether as a federation, unitary or a confederation. On several occasions, they tended to unite into one trade union or federation.

Factory-based independent trade unions

In response to both domestic and foreign criticism on the freedom of workers to establish their own organizations, the Minister of Manpower issued Regulation No. 1 on 17 January 1994. Based on this regulation, workers may establish an independent and democratic union in each company freely and without any requirement of affiliating with another trade union. According to the data available, presently, there have been about 1,200 independent unions at the company level. The newly established company union is only required to submit information on its organization status and members of its executive to the Ministry of Manpower. At the same time, soon after the union is established, it is able to perform its functions and negotiate with employers for drafting collective agreements. Each factory-based trade union can stay as an independent union without necessarily affiliating with the FSPSI, or it may decide to join the FSPSI. As an independent union, each factory-based trade union is not encouraged to join a political party or other association. Each individual worker has, of course, the right to express his political aspirations through political parties. Each worker is also eligible to join existing relevant professional associations such as the Indonesian Economists' Association, the Indonesian Engineers' Association, the Indonesian Public Administration Association, and others. However, such political organizations and professional associations should not be involved in handling labour or industrial relations problems in certain companies or to take over or to duplicate the function of a trade union.

The essence of Conventions Nos. 87 and No. 98 is that all workers in each company have the right to establish trade unions. The main purpose of that trade union is to negotiate with employers for better standards of living for those workers and their families. These criteria have been followed by the FSPSI and the 1,200 independent factory-based trade unions or Serikat Pekerja Tingkat Perusahaan, SPTP.

Serikat Buruh Sejahtera Indonesia

The so-called Serikat Buruh Sejahtera Indonesia was formed in April 1992 by elements of political parties, the human rights movement and legal aid. So far we have not been able to prove that this organization is established by the workers or their representatives at the company level. Moreover, we have not been able to prove that its objective is to pursue collective labour agreements. From its inception up to the present, evidence shows that the SBSI is more concerned with politics than labour issues. The court will decide whether the SBSI has a right to exist or not.

Therefore, if the SBSI should exist, it should be categorized as a non-governmental organization rather than a trade union. As an NGO, it may follow Law No. 8, of 1985, on the Principles of Social Organization. As an NGO, SBSI, of course, may have particular programmes relating to labour issues such as to empower trade unions through workers' education, to help trade unions in court, etc., but it should not duplicate or take away the roles and functions of trade unions.

Manpower policy within the last four years

(1) In executing its role and function, particularly in the Sixth Five Years Development, the Government issues a manpower policy called "Sapta Karya Tama Pelita VI" (Seven Priorities of Manpower Policy in the Sixth Five Years Development). This policy contains seven priorities as follows: manpower planning; information systems and integrated labour market; professional independent young labour force; apprenticeship programme; industrial relations and protection of workers; overseas employment services; organizational development, development of productivity centre, reformatic training, and workers' cooperative. Recently, the last three priorities were added, making ten priorities or "Dasa Karya Tama".

(2) Under Act No. 3 of 1992, the scope of the workers' social security programme is expanded, i.e. to include a health insurance scheme. In addition, Act No. 11 of 1992 requires employers to include their workers in a pension fund scheme. Each company is also obliged to set up a committee for occupational safety and health.

(3) The Regional Wage Committee, whose members are drawn from tripartite elements, has long been established in each province. This committee conducts surveys on the minimum physical needs (MPN) and submits recommendations on setting the regional and sectoral minimum wage. Based on those recommendations, the regional minimum wage has been increased from time to time. It is recorded that the average minimum wage increased from 48.5 per cent of MPN in 1990 to 63.6 per cent of MPN at the end of 1993, to about 92.49 per cent of MPN in 1996. The regional minimum wages (RMW) in effect since April 1997, increased by more than 10 per cent on average as compared to the RMW of 1996.

(4) Participation of workers' and employers' organizations in various institutions have continuously increased such as in the bipartite bodies, national and regional tripartite bodies, national and regional committees for labour dispute settlement, national and regional committees on occupational safety and health, national and regional training councils. The workers' unions continuously and actively exercise their rights through formulation of collective labour agreements in each company.

(5) Government, employers' and workers' organizations have closely established cooperation through their own programmes and activities to promote, develop, and draw community awareness to create a conducive climate for industrial peace and company development. It takes a long time to make employers and workers, as well as the industrial community, aware of their obligations in implementing such industrial relations.

The strategic steps taken in this respect are the following:

— consistent implementation of law enforcement;
— establishment of organizational unit of SPSI at company level (UK-SPSI), factory-based trade union (SPTP) and of collective labour agreement (CLA);
— settlement of industrial disputes based on the existing regulations;

— improving the function of the bipartite cooperative body;

— paying more attention to the social welfare of workers and establishment of committees on occupational safety and health (P2K3).

Law enforcement

There are about 160,000 companies in the country employing 10 persons or more. There are about 1,300 labour inspectors including 350 who have structural occupations and 950 who have operational occupations. Labour laws are enforced based on direct visits of inspectors, as well as on company reports submitted as required by Act No. 7 of 1981. In 1996, inspectors conducted direct visits to over 3,000 companies. Based on these inspections it was found that 1,600 companies in 1996 violated the existing provisions on working norms; 28 of them were brought to court and were fined, and 1,572 were issued a warning letter.

Development of industrial relations

There are about 60,000 companies in Indonesia employing 25 workers or more. Of those companies, organizational units of SPSI (UK SPSI) were established in 12,750 companies covering 2.14 million workers. In addition, independent factory-based trade unions (SPTP) were established in about 1,200 companies covering about 60,000 workers. Employers' associations of Indonesia (APINDO) were established in 292 districts covering 2,000 companies. Collective labour agreements were agreed and formulated in about 11,000 companies covering about 2 million workers.

In 1996, there were 890 strikes involving about 500,000 workers, resulting in the loss of over 5 million working hours and of US$ 1 million.

Industrial disputes

The number of industrial disputes handled by the Industrial Dispute Settlement Committee at central level (P4P) during November 1996 was three cases, two of which have been settled. Industrial dispute settlement is regulated under Act No. 22 of 1957. Meanwhile, the cases of termination of employment handled by this committee during November 1996 were 111 involving 2,712 workers; in October 1996 there were 153 cases involving 1,179 workers. Among 264 cases in October and November 1996, 115 cases involving 2,228 workers have been settled. Settlement of termination of employment is regulated under Act. No. 12 of 1964.

Social welfare

Implementation of a minimum regional wage has been recently regulated under Manpower Ministerial Decision No. 2 of 1996. This decision is designed to improve the social welfare of workers where the basic calculation is according to minimum life needs. In November 1996 no companies applied for postponement of the implementation of a minimum regional wage. However, up to November 1996, the total number of companies applying for postponement of the implementation of a minimum regional wage was 797.

Up to December 1996, the membership in Workers' Social Security Scheme/Programme (ASTEK) was 65,778 companies covering 10,316,520 workers.

The number of workers' cooperatives as of December 1996 was 5,291 and the number of family planning programmes at the company level was more than 2,400 units covering about 111,000 workers.

Committee on Occupational Safety and Health

Committees of Occupational Safety and Health (P2K3) were established in about 11,000 companies as of December 1996. In 1996 there were 2,080 cases of occupational accidents, resulting in 1,686 injuries and 41 deaths.

In addition, Government representatives informed the Committee that, in response to the conclusions of the Committee on Freedom of Association at its session in November 1996, the tripartite partners in Indonesia had conducted a series of meetings to consider the amendment of a number of Ministerial Regulations referred to in the report of the Committee of Experts, including Ministerial Decision No. 438 of 1992, Ministerial Regulation No. 3 of 1993 and Ministerial Regulation No. 1 of 1994. New draft legislation to replace the above provisions were now in the process of completion. However, they believed that before discussing the legal provisions in detail, it was necessary to provide the Committee with information on the historical development of trade unionism in Indonesia. In so doing, they referred extensively to the written information submitted on this case. Referring to a number of articles quoted from the Constitution and several labour laws, they stated that there were extensive provisions protecting the right of workers to organize and to bargain collectively.

They explained that the purpose of providing complete information on the historical development of trade unionism in Indonesia was to ensure the Conference Committee of the commitment of the Government of Indonesia to accommodate and protect the interests of Indonesian workers and of the consensus that they reached through their organization. The information provided showed that trade unionism in Indonesia was not static, but responded to the changing national and international environment. Trade unions in Indonesia were open to change, bearing in mind their struggle for unity and their concerted efforts for the betterment of their members. In this light, the workers, employers and Government in Indonesia had intensively reviewed several labour laws over the past three years which they realized were no longer relevant to present and future economic and social conditions.

Following the holding of a series of meetings and the completion of the necessary procedural steps, a new Bill on manpower had recently been submitted to Parliament. The Bill was expected to be an umbrella law covering and refining the provisions of Act No. 1 of 1951 bringing the Labour Act into operation, Act No. 21 of 1954 on the Conclusion of Collective Bargaining Agreements between Trade Unions and Employers, Act No. 22 of 1957 on the Settlement of Labour Disputes, Act No. 12 of 1964 on Termination of Employment in Private Undertakings and Act No. 14 of 1969 on the Basic Provisions respecting Manpower. The new Bill was more comprehensive, simpler and more concise, more flexible and easier to understand than the previous legislation. In this context, they noted that it was the custom of the parliamentary system in Indonesia to invite the views of society, and particularly of related institutions and organizations, on draft legislation. Several NGOs and institutions had organized a workshop to discuss the Bill, the results of which would be submitted to Parliament.

In response to the conclusions of the Committee on Freedom of Association, the Indonesian tripartite partners had agreed to draft a single Ministerial Regulation to cover the three Ministerial Instruments referred to above. The tripartite partners had agreed in this respect that the following principles should be contained in the new regulation: trade unions at the company level should be established by the workers for the workers at that company; trade unions should be established on a voluntary and democratic basis; trade unions at the company level could remain as single independent trade unions or could join a national industrial trade union; and single independent unions at the company level could directly conduct negotiations with employers only by sending notification of their establishment to the regional office of the Ministry of Manpower. Consensus still needed to be achieved on a number of matters, including the definition of democratic principles for workers and the issue of whether a company-level trade union belonging to an industrial trade union should be registered at the company level or through its national headquarters. The Government representatives were optimistic that these matters would be resolved in a relatively short period of time.

In conclusion, they emphasized that all Indonesian laws were available to public and international institutions. The ILO Office in Djakarta would have access to any legislation that was not supplied directly to the Committee of Experts by the Government. However, they took the opportunity to submit a copy of Act No. 8 of 1974, regulating the terms and conditions of employment of public servants, to the Conference Committee.

The Employers' members recalled that the issue of the application of Convention No. 98 by Indonesia had been raised on many occasions by the Conference Committee and the Committee of Experts. The last occasion on which the case had been discussed by the Conference Committee was in 1995. The observation by the Committee of Experts was basically a repetition of earlier comments. The problems in question related to the application of the Convention in both law and practice. The situation was aggravated by practical problems in individual cases involving the extreme use of force of all kinds. Many of these individual cases were described in the report that the Committee on Freedom of Association had submitted to the Governing Body. It was a matter of particular concern that in these cases the persons concerned had been treated in a manner which was not at all in line with the provisions of the Convention. This failure to give effect to the Convention in practice was symptomatic of the fact that it was not correctly applied in law. It was therefore unfortunate that the lengthy statement by the Government representatives had contained only historical information on the development of trade unions, but had largely failed to address the questions raised by the Committee of Experts in its report and the Conference Committee in 1995.

Referring to the lack of protection against acts of anti-union discrimination, the Employers' members noted that workers could be dismissed on the ground of lack of harmony in industrial relations, and that in practice trade union membership could be considered to constitute such a lack of harmony in industrial relations. Although there existed a Ministerial Regulation of 1992 which provided that membership of a trade union could not constitute a reason for dismissal, these provisions did not appear to be implemented in practice. Even though the Committee of Experts had pointed to the need to simplify and clarify the legal provisions in this respect, no new information had been provided by the Government representatives on this point.

Referring to the comments of the Committee of Experts on the need to adopt specific legislative provisions to protect workers' organizations against acts of interference by employers or their organizations, the Employers' members stated that the regulations to which the Government representatives had referred did not contain sufficient protection in this respect. Better legislation was therefore needed to provide more effective protection.

On the question of the restrictions placed on free collective bargaining, the Employers' members noted that workers' organizations needed to cover a particular number of enterprise units in order to be able to engage in collective bargaining. Even though the Convention itself did not contain detailed provisions on this issue, such requirements were placed at a very high level so that collective bargaining became almost impossible in practice. Nevertheless, the Employers' members acknowledged that, since this question had been raised in the 1991 report of the Committee of Experts, the requirements in question had been reduced. They therefore recognized that some movement had been made in the right direction, although more rapid change was required. They regretted, however, that the Government representative did not provide new information in this respect.

The Employers' members had understood from the statements made by the Government representatives that the consultation process with regard to the new Bill on these matters was near completion and that the proposed legislation would soon be submitted to parliament. However, the Government representatives had not provided information on whether the problems referred to by the Committee of Experts would be addressed and resolved by the new legislation. Furthermore, although the Government representatives had provided the Conference Committee with a copy of Act No. 8 of 1974, regulating the terms and conditions of employment of public servants, it should be pointed out that such legislation should have been provided to the ILO many years ago. It was also to be regretted that the Government of Indonesia had not availed itself of ILO technical assistance to address these problems at an earlier stage and that the Government representatives had not taken advantage of the opportunity provided by this discussion of the case to respond to the conclusions of the Committee on Freedom of Association. The Employers' members suggested that technical assistance from the ILO might help to speed up the process of improving the application of the Convention, both in law and in practice. There was a great need to amend the legislation and the Government should endeavour to take the necessary action.

The Workers' members noted with regret that the case of Indonesia had been discussed in 1979 and four times during the 1990s, namely in 1991, 1993, 1994 and 1995. Notwithstanding the direct contacts mission which had taken place in November 1993, the situation remained preoccupying. The Committee on Freedom of Association, which had dealt with this case a number of times, had formulated very severe conclusions in which it deeply deplored and emphasized the gravity of allegations which had showed that the general situation had not improved, but continued to be characterized by increasingly serious violations of fundamental human rights and trade union rights in Indonesia. The terms used by the Committee of Experts reflected its grave concern. It insisted, in particular, that the Government should indicate the measures taken to strengthen the protection of workers against acts of anti-union discrimination and that it adopt specific legislative provisions to protect workers' organizations. The Workers' members deplored that the Government's reply, although long, did not contain any information in response to the repeated requests made by the Committee of Experts. Furthermore, they noted that the written and oral replies of the Government contained significant contradictions. While the Government insisted on the independence of the trade union movement in relation to the political parties, the SPSI, the official trade union, was closely directed and influenced by the authorities. In addition, in qualifying the SBSI as a non-governmental organization, the Government was in direct contradiction to the conclusions and recommendations of the Committee on Freedom of Association, which urged the Government to eliminate immediately all obstacles preventing the recognition and registration of the SBSI as a trade union. The members of the SBSI and its leaders were systematically subjected to anti-union measures, such as arrests, imprisonment or harassment. In the period since the Committee on Freedom of Association had examined the case, the list of allegations of anti-union measures had lengthened. According to the information that had been obtained, many local trade union leaders of the SBSI had recently been intimidated by the police or the army. The chairman and the vice-chairman of the local SBSI organization in Binji had been arrested and interrogated. During the course of 1996, the activists and leaders of different branches and regional federations of SBSI had been intimidated and their property often confiscated. The chairman of SBSI, Mr. Muchtar Pakpahan, had been arrested on 30 July 1996 in spite of the fact that the Supreme Court had acquitted him and that all legal charges against him had been dropped. He had been kept in detention for over a year in spite of his poor health.

The Workers' members endorsed the observations of the Committee of Experts. The system of industrial relations in Indonesia was such that the anti-union measures against organizations which escaped Government control had become normal practice. The information and statistics supplied by the Government on the increasing number of collective agreements and trade unions at the company level did not prove either the true nature of the trade union movement or the success of collective bargaining. Indeed, it was necessary to take into account the content of these agreements to verify that they actually covered conditions of work and wages. According to information available to the Workers' members, the provisions of the draft law referred to by the Government representatives were in breach of Article 3 of the Convention by authorizing greater interference by the public authorities. The Workers' members deplored the fact that the Government had not replied to the precise questions raised by the Committee of Experts and insisted that Indonesia take the necessary measures in the very near future to bring its legislation and practice into conformity with the Convention. They emphasized that the Government could benefit from the technical assistance of the ILO in this respect. They stated that the authorities must free the imprisoned trade unionists, particularly Mr. Pakpahan and cease acts of anti-union violence and intimidation. Finally, they proposed that serious consideration should be given to sending a mission to Indonesia in the very near future and that this case should be examined once again next year to identify any progress achieved. If no progress was made, they suggested that the case of Indonesia should then be included in a special paragraph.

The Workers' member of Indonesia provided the Committee with some additional information on Ministerial Decree No. 438 of 1992 concerning the guidelines for the establishment of workers' unions in a company. The decree made no reference to dismissal or regroupment, but merely regulated the method of establishing workers' unions at the plant level. It stipulated that where there were 25 workers at the respective company, such workers could form a union by themselves without any intervention from third parties.

The speaker also said that the national convention of the All Indonesia Workers Union (SPSI) in September 1995 had concluded that there was an urgent need to reform and restructure the Indonesian trade union movement to make it more effective and professional in its efforts to protect the interests of workers. There were now 13 industrial unions affiliated to the new Federation (FSPSI). The national convention of the SPSI had also decided to urge the Government to review much of its labour legislation in accordance with recent economic developments. Based on this conclusion, the Indonesian Government had submitted to Parliament a Bill on manpower which revised eight existing labour Acts and six ordinances. The FSPSI had submitted its first response to the Bill, which covered, among other matters, dispute settlement machinery, compulsory and voluntary arbitration, mediation and conciliation, the establishment and recognition of unions, the Tripartite Consultative Council and the Bipartite Consultative Council, women workers, child labour, wage protection, employment relations, the contract of employment, the informal sector and migrant workers. The FSPSI had also conducted a three-day workshop, attended by the representatives of some NGOs and by academics, leading to the preparation of further comments. A further seminar would be held for the preparation of the final draft of the Bill. The National Tripartite Joint Consultative Body had also discussed the possibility of reviewing Ministerial Decree No. 438 of 1992, as well as Ministerial Regulation No. 3 of 1993 on workers' union registration and Ministerial Regulation No. 1 of 1994 on the establishment of in-house unions. There were still some differences of opinion on the criteria for establishing unions, the structure of industrial unions (including independent unions), the right to bargain collectively and other trade union functions to further the interests of the workers. The National Tripartite Joint Consultative Body also intended to organize a workshop to examine how universal principles could be set out in the new ministerial regulation on the right of workers to join unions, workers' participation in the industrial relations framework as well as their right to training, to a fair wage and to collective bargaining. In view of this progress, there were good grounds for believing that the Tripartite Joint Consultative Council would be ready to undertake a permanent review of labour legislation in an era of economic globalization, without harming the values and way of life of society.

The Government member of Iceland, on behalf of the Governments of Finland, Denmark, the Netherlands, Norway, Sweden, the United Kingdom and Iceland, deplored the growing number of violations of human rights at workplaces. Both the Committee of Experts and the Committee on Freedom of Association, in its 1996 examination of Case No. 1773, used strong words to express their deep concern with regard to the persistent and continuing violations of trade union rights in Indonesia and, more precisely, the seriousness of allegations referring to the murder, disappearance, arrest and detention of trade union leaders and workers. The Governments of the Nordic countries, the Netherlands and the United Kingdom shared this deep concern and strongly urged the Government of Indonesia to take all necessary measures to bring the situation into conformity with the provisions of Convention No. 98. Finally, the personal situation of the SBSI President, Mr. Muchtar Pakpahan, raised serious concern. He expressed their common wish to join those who had already appealed to the Government of Indonesia so that his civil, political and trade union rights be respected in every way.

The Workers' member of the Netherlands recalled that this case had been examined on twelve occasions by the Committee of Experts and on five occasions in the Conference Committee. Moreover, the Government had not furnished the detailed report requested by the Conference Committee in its conclusions to the long discussion held in 1995. In 1996, the Conference Committee had deferred discussion of the case due to severe time constraints. However, the Government had misrepresented this to its national press as proof that the ILO was now satisfied with the manner in which the Convention was implemented in the country. The Workers' members had, in 1996, expressed the wish to include the case of Indonesia on a list of cases for discussion in 1997. They were particularly concerned that the Government had stated time and time again that the criticism of the Committee of Experts, since 1979, was unfounded. He pointed to a certain inconsistency in the points raised by the Committee of Experts in its reports since 1979. Certain issues, such as the role of the army in dispute settlement and in labour matters in general, had been raised on some occasions, but not others. The same was true as concerned the denial of the right to organize for workers in the public sector.

With regard to the protection of workers against anti-union discrimination, the Government had denied over the years that there were any problems with the relevant legislation and had stated that new legislation was not necessary, as the law afforded good protection against anti-union discrimination. Nevertheless, for almost 20 years the Committee of Experts and the Conference Committee had been telling the Government that this was not the case. In this respect, he noted that additional information supplied by the Experts, workers and employers had been ignored. It was not in this manner that such a case should be dealt with by government in the ILO supervisory system. Current examples of anti-union discrimination included the dismissals of SBSI and AJI (Independent Journalists' Association) members and activists by their employers.

On the question of protection against acts of interference by employers, the only development registered was the revision of Ministerial Decision No. 1109 of 1986 by Decision No. 438 of 1992. The Government, which had previously maintained that the 1986 Decision afforded adequate protection, had then implicitly said the contrary in 1993 by admitting that it was no longer compulsory for workers to obtain permission from their employer to set up a union. Moreover, despite the fact that both the Committee of Experts and the Conference Committee considered that the revised Indonesian legislation continued not to provide adequate protection against acts of interference by the employer, the Government refused to take any further action. By way of illustration of the influence exercised by employers over trade union activities in practice, he informed the Committee that the president of SPSI from 1985 to 1995 had been the president of the employers' federation for the textile industry in West Java at the time he was elected to his trade union position.

The situation was identical as regards restrictions to collective bargaining. The Government had stated that its legislation was not in conflict with the provisions of the Convention and that the Committee of Experts did not understand the national conditions in member States. Despite changes to the excessive requirements for the registration of trade unions set out in Ministerial Regulation No. 5 of 1987, the new Regulation, No. 3 of 1993, still contained formidable obstacles which, according to the Committee of Experts, were in violation of the Convention. In fact, what the Government had done was to create a trade union monopoly for the FSPSI and its sectoral unions, similar to what had existed in Eastern European countries before 1989. In 1995, the Conference Committee had urged the Government to dismantle all restrictive registration requirements for the establishment of trade unions.

Not only had the Government shown very little political will to adopt the changes to the law requested by the ILO for almost 20 years but its record of application of the Convention in practice was appalling. It had also engaged in crude and brutal violations of the Convention in practice for many years. Over the past five years, it had relentlessly harassed, intimidated, arrested, jailed and victimized leaders, activists and members of the SBSI, a trade union to which the Government refused to grant recognition. The fate of its general chairman, Muchtar Pakpahan, was widely known, despite the fact that the Governing Body had repeatedly stated that Mr. Pakpahan was a genuine trade union leader who should be released forthwith and allowed to continue with his trade union work. Another example was that, based on the official State doctrine of the "dual function" of the army, retired military personnel continued to take positions in the government-backed trade union central organization, the FSPSI, and its sectoral unions. After denying this practice for years, the Government had later argued that it was the right of retired army personnel to take employment, become members of a union and be elected to trade union office. However, the real situation was that these army pensioners were selected for these functions by a special army department in view of the Government's preoccupation with security. Finally, he recalled that the security forces continued to interfere brutally in strikes and workers' demonstrations. Indeed, the presence of police and security personnel at trade union meetings and other activities was so widespread that it was almost considered to be a fact of trade union life.

Although the Government maintained that workers were free to set up their own company trade unions, it had been confirmed to him that if such trade unions expressed the intention to join the SBSI, their existence would immediately be forbidden.

Despite the acceptance by the Government of a direct contacts mission in November 1993 and a subsequent technical assistance mission, it had to be concluded that the few changes in legislation made by the Government did not go far beyond developments of a merely cosmetic nature, as the representative of the US Government had stated in 1995. He urged the Government to ask for ILO advice on the text of the new Bill submitted to Parliament, and to bring the ILO's views on the proposed legislation to the attention of the Indonesian Parliament. He fully subscribed to the conclusion drawn by the Workers' Vice-Chairperson while drawing attention to the fact that among the jailed trade unionists there were three leaders and activists of the Independent Journalists' Association (AJI).

The Workers' member of Thailand stated that the history of this case illustrated well the attitude of governments in his region. The case provided a pertinent and topical example of both the Indonesian Government's insensitivity to working people in local circumstances in Indonesia. The Chairperson of the Worker's group had already covered many aspects of the case, but he wished to concentrate on the SBSI and its general chairman Muchtar Pakpahan. As concerned the SBSI, the authorities had refused to register the SBSI on several occasions, even though it had fulfilled the necessary criteria. He recalled that the Committee on Freedom of Association had urged the Government to remove immediately all obstacles to registration and to the official recognition of the SBSI. He stressed that Muchtar Pakpahan had been arrested on 30 July 1996 on charges which alleged that he had been linked to the serious civil disturbances of 27 July 1996. Charges of subversion could result even in the death penalty. Yet, even though the official Indonesian Human Rights Commission said that the Government and its security forces were responsible for the July civil disturbances, Muchtar Pakpahan remained in prison. All legal experts following the trial which started in December 1996 considered that Muchtar Pakpahan was not granted a fair trial and that basic rules of justice were violated. The trial continued until he was hospitalized. After concerted national and international pressure, he was authorized to be treated in a civilian hospital, as long as he personally paid expenses. The Government had indicated that the trial would resume as soon as he was able to go back to prison. It was clear that these legal procedures and multiple sentences were linked directly to his union activities. In addition, many union members and members of SBSI were frequently harassed, interrogated and deprived of their freedom. He concluded by insisting that the necessary measures be taken to change the legislation and national practices to bring them into conformity with the provisions of the Convention. Unless significant progress was noted, he proposed, like several other speakers, that Indonesia be mentioned in a special paragraph in the examination to be made by this Committee in 1998.

The Government member of the United States emphasized the long-standing concern of his country regarding this case. Based on the observation of the Committee of Experts, along with the conclusions and recommendations of the Committee on Freedom of Association in Case No. 1773, he expressed his concern that sufficient progress had not been made. In some respects, there was even reason to fear that the situation was worsening. The case of labour leader Muchtar Pakpahan was particularly troubling and he called upon the Government of Indonesia to ensure that he received adequate medical treatment. Both the Committee on Freedom of Association and the Committee of Experts pointed out that there were significant and long-standing weaknesses in Indonesian labour law, coupled with serious problems of enforcement of the legislation. Such a situation led, inevitably, to human rights violations the likes of which had been presented in some detail. He strongly urged the Government of Indonesia to continue the process of consolidating and amending its labour law, and to ensure that the new legislation was in full conformity with Convention No. 98, as well as other core labour standards. He recalled that technical assistance was available from the ILO in this respect. In addition, he strongly urged the Government to take immediate steps to prevent violence and other anti-union measures against Indonesian trade unionists. Convention No. 98 could not possibly be fully applied in an atmosphere where basic human rights were not first protected and promoted. He stressed that his Government would not hesitate to recognize and condemn the Indonesian Government's violations of fundamental workers' rights and human rights and strongly hoped that positive steps would be taken as quickly as possible by the Government of Indonesia to improve respect for the rights of workers.

The Government member of Canada expressed concern over the findings of the Committee of Experts with regard to the situation in Indonesia and stressed the importance that her country attached to the case of Mr. Muchtar Pakpahan, and in particular the necessity that he received just and fair treatment in any legal proceedings, as well as adequate medical care. This issue had been raised repeatedly with the Indonesian authorities by the Embassy of her country in Djakarta, as well as by the Department of Foreign Affairs, including at the ministerial level. She urged the Indonesian authorities to respect fully their obligations under the ILO Constitution and under ratified Conventions.

The Workers' member of France regretted that for a number of years the Committee of Experts had reported intolerable acts of interference with regard to the right of workers to freedom of association in Indonesia, in enterprises at both the regional and national level. The report contained allegations of serious anti-union discrimination, including intimidation, interrogation, molestation, illegal custody, imprisonment, dismissal and even the disappearance of members of the SBSI. These were not isolated incidents. These acts had become systematic and concerned the entire Indonesian territory. The Government, through the police, the army, and unidentified employers' groups, regularly put pressure on workers who wanted to form unions. If they did not renounce this right, individual or collective dismissal followed. On several occasions the local unions were ransacked and files taken or destroyed. The arrest and imprisonment of Muchtar Pakpahan came about as a result of such systematic anti-union policies. Since his first imprisonment in 1995, Mr. Pakpahan had been in jail for nearly one year, charged with endangering the security of the State. He was still detained to this day, and his failing health had become life-threatening. Despite the censure by international trade unions and various interventions made by European governments and NGOs, no action had been taken by the authorities. The speaker added that none of the reasons provided by the Government of Indonesia elucidated the serious and repetitive violations of the terms of Convention No. 98, ratified in 1957. The Indonesian Government must clearly account for these deliberate acts against the right of workers to freedom of association and to collective bargaining and not limit their arguments to more general accusations. This was especially true for the acts of anti-union discrimination against the leaders of the SBSI. Moreover, the president of the SBSI, Mr. Muchtar Pakpahan must be freed immediately. Finally, the Indonesian Government must adopt very rapidly specific provisions which would bring their legislation in line with the provisions of the Convention. It was regrettable that the information furnished by the Government was not more explicit; this cast a doubt on its seriousness.

The Workers' member of Japan emphasized the serious nature of the case, which related to violations of the rights of workers and the labour movement. Countries which ratified the Convention had the obligation to bring their law and practice into conformity with its provisions. Although the report of the Committee of Experts had raised four principal points and the Government had been requested to respond to them, it had not provided specific information on these matters, nor had it taken action in practice to give effect to the recommendations of the Committee of Experts. An important measure of the Government's willingness to adopt measures to give meaningful effect to the Convention in law and practice would be an improvement in the situation as concerned the right of public servants to bargain collectively. It was perhaps due to the legacy of Asian dictatorships that many people in the region looked to the public service as a model of employment. If the Convention was not applied in full to public servants, this would provide an excuse for employers to impose restrictions in the private sector. The Government should endeavour to play the role of a good employer which respected international labour standards, and particularly the right to collective bargaining in the public sector, in accordance with the Convention. He hoped that the Government would respond to the requests of the Committee of Experts in a rapid and faithful manner on these very serious points by taking the necessary measures to implement the Convention.

The Workers' member of Colombia, stated that, in spite of the declarations of good will made by the Government representatives, the workers were very concerned at the persistence of the anti-union policies in Indonesia. In the developing countries, there was frequently a tendency for undue interference in the activities of workers' organizations, restrictions on the right to collective bargaining and the submission of trade unions by employers. This phenomenon was attested to by the Committee of Experts in the case of Indonesia. He emphasized that these restrictions on the right of freedom of association and collective bargaining were unacceptable. He emphasized that national development could not be achieved without respect for workers' rights and expressed serious doubts about the positive industrial relations climate described by the Government representatives. With regard to the numerical restrictions imposed by the legislation in order to have free access to collective bargaining, he stated that these measures could not be described in any way as protecting the right to collective bargaining. Nor was it possible to speak of respect for freedom of association, when the official practice was to resort to intimidation and aggression, through detention and the confiscation of property. He hoped that the Government would free the trade union activists and leaders and that it would give full guarantees of the exercise of trade union rights.

The Workers' member of Pakistan joined with other speakers of the Workers' group and indicated his deep preoccupation concerning the situation of workers' rights in Indonesia. This preoccupation was even greater because Indonesia should, given the importance of the seat it held on the Governing Body, be an example for other governments. Whereas on the contrary, for a number of years, the Committee of Experts, the Committee on Freedom of Association and this Committee had noted serious violations of the principles of freedom of association, in law and in national practice. More precisely, the Committee of Experts had brought to light the contradictions between legislation and the provisions of the Convention which protected workers against anti-union discrimination, interference by employers or their organizations with regard to union activities, and restrictions on the right to collective bargaining. The Committee on Freedom of Association had emphasized the seriousness of violations of workers' rights committed by public authorities who had systematically resorted to anti-union measures including dismissal, arrest, harassment and other physical or mental violence. He insisted that the Government take the necessary measures, without delay, to amend the legislation so that it conformed to the provisions of the Convention and pleaded that the Government liberate jailed union members immediately, recalling that trade unions could function only where democratic values were properly respected.

The Government member of Germany declared that he fully supported the statement of the Government member of Canada.

The Government representative of Indonesia welcomed the time available for discussion of this case. His delegation had endeavoured to provide the Committee with as much information as possible in order to improve its understanding of the whole situation in Indonesia. However, in order to cover all the matters raised by the previous speakers, including information on individual cases, he welcomed the opportunity to respond to the points that had been raised during the discussion.

The Government representative stated, that, in response to several delegates' requests for information on particular cases, information had been communicated on related questions raised during the Committee's discussions in 1994 and 1995, and to the Committee on Freedom of Association. This information would not be repeated: the information provided on this occasion had been limited to the topic under discussion. Those who were interested in having access to the information should consult the Office. His delegation had been advised by the Secretariat to provide general information on this occasion and to submit information relating to individual cases to the Committee on Freedom of Association. This explained why the written information provided had not contained information on individual cases. It was also for that reason that 4 copies of information concerning individual cases had been submitted for disbursement to the Workers' and Employers' groups, the Chairperson and the Office.

In response to the comments made by the Employers' members, the speaker stated that the information presented was intended to respond to the conclusions of the Committee on Freedom of Association, as they appeared in the report of the Committee of Experts. The conclusions asked the Government to refine 3 Ministerial regulations. His delegation had stated that the tripartite partners had discussed and drafted a new regulation to cover the 3 regulations mentioned. It had also to be noted that the tripartite partners had been involved, over the last 3 years, in formulating draft labour legislation.

Also in response to the comments of the Employers' members, he said that his delegation had already confirmed in 1995 that all workers at the enterprise level had the right to establish trade unions and only needed to provide notification so that they could be registered and engage in collective bargaining. The restrictions referred to by previous speakers were no longer applied, with the result that there were now hundreds of independent unions at the company level which concluded collective agreements. There was no requirement for such unions to be affiliated to the SPSI. Trade unions could therefore exist on their own at the company level. His country had engaged in a tripartite process for the refinement of existing legislation, including the development of one ministerial regulation to cover the three previous regulations. It was the objective of tripartite consultation to seek consensus positions on what was best for the country, particularly in a situation of great change, when laws and regulations might no longer be relevant to current and future national needs. Tripartite consultation had led up to the submission of a Bill to Parliament, which would in turn invite the opinion of the people on the subjects that it covered. The SPSI had formulated its opinion on the provisions of the Bill and had organized a workshop on that matter. It was to be hoped that a Bill could be adopted that would take into consideration the best way of protecting the interests and rights of workers. In this respect, while appreciating the value of ILO advice, he made it clear that the function of the ILO was not to draft legislation for every country.

He disagreed with the Workers' members that there had been an increase in violations of the provisions of the Convention. The information on the historical background of the trade union movement in his country had been provided to explain the aspirations of Indonesian workers to unity and concerted effort. They believed that their country could be strong if it were united. Although the case of Muchtar Pakpahan was often raised by officials from foreign governments, trade union organizations and the ILO, he stated that they could have the opportunity to meet him. He was being treated in a very good hospital by the best doctors and he informed the Committee of the telephone number at which he could be reached. He reminded the Committee that Mr. Pakpahan was being held under criminal charges and that his case was not related to trade union matters.

In response to the comments made by the Workers' member of the Netherlands on the involvement of the security forces in dealing with demonstrations and riots denoted as labour issues, the speaker referred to the information provided to this Committee in 1994 and 1995 which had explained: the division of work between the security forces and the Ministry of Manpower; the way to distinguish labour and industrial relations issues from political issues and personal interests; and the way to distinguish individual cases from the policy of the Government. It was necessary to have a good understanding of the history. Most Indonesian workers had directly experienced great suffering and hardship due to the lengthy oppression of the colonial power and during the revolution. The colonial power played the strategy of *divide and conquer* and the conditions were made even worse and painful because some Indonesian traitors did not feel guilty in betraying their fellow Indonesians. That explained why Indonesia tended to maintain unity and why the security forces were traumatized by the continuing efforts to exercise the policy of *divide and conquer*.

The speaker stated that, after having observed the work of the Committee for 12 years, it appeared that, if a problem arose between a government or its security forces and an organization, the Committee had a tendency to put into question the government or the security force. The Committee had never examined whether the organization concerned observed good conduct or not. It was to be wondered why the Committee tended to put into question the security force, even though it was conducting its role correctly, but not the organization which was not observing good conduct.

He cited a number of examples from his personal experience to prove that meetings were held freely and without interference from the police or security services. Where workers' organizations were engaged in legitimate activities, they had nothing to fear from these forces. He regretted that many speakers had reached erroneous conclusions on this matter due undoubtedly to misperceptions and misinformation. The SPSI would be ready to substantiate the fact that the action of the police and security forces did not amount to interference in trade union activities.

The Employers' members, although recognizing that the Government representatives had provided the Committee with information, were not convinced that it was the right type of information or that it was related to the problems raised by the Committee of Experts. With regard to the comments of the Government representatives concerning the desirability of trade union unity, they recalled that this was a matter to be decided upon by the workers themselves. Single trade union organizations only became problematic when they were imposed by the government. Indeed, the intention of the Convention was to prevent such situations. The Employers' members therefore requested the Government to respond to all of the points raised by the Committee of Experts and the Committee on Freedom of Association and to send all of the relevant information to both bodies. The Government representatives had indicated that Indonesian legislation might not be perfect. This could be due to misunderstandings of the requirements deriving from the Convention. It would therefore be very useful if the Government would agree to receive detailed technical assistance from the ILO on the matters raised by the Committee of Experts.

The Workers' members considered inadmissible the declaration by the Government representative concerning Mr. Muchtar Pakpahan and other trade union leaders. In order to maintain the position that the problems raised did not concern the application of the Convention, the Government held on to a reasoning according to which the SBSI represented a security risk only on the ground that it was not recognized by the SPSI. The reasoning was unacceptable as, according to the Committee on Freedom of Association, the SBSI fulfilled all the conditions required for being recognized as a trade union. The content of the debate in the present Committee demonstrated that this case was well known and that it troubled the members of all three groups, as it touched upon basic workers' rights. It was all the more regrettable that the Government had continued for several years only to provide evasive responses to the Committee of Experts. The Government representative had expressed the hope that the present Committee would close the discussion on this case. But, in order to do so, the Government should provide detailed and complete responses, in writing, to the observations by the Committee of Experts and finally give effect to the conclusions adopted by the Committee on Freedom of Association as well as the conclusions adopted two years ago by the present Committee. Regarding the Bill that had been mentioned, the Workers' members had at their disposal distressing information and the Government should also provide full information on this subject for consideration by the Committee of Experts.

The Committee took note of the information communicated by the Government representative and of the detailed debate which subsequently followed. The Committee further noted that the Committee on Freedom of Association had expressed that not enough protection existed against acts of anti-union discrimination, nor against interference by employers in the functioning of workers' organizations and that serious restrictions remained on the right to bargain collectively. The Committee observed with deep concern that the discrepancies between the Convention on the one hand, and legislation and national practice on the other, had continued for many years. The Committee also observed that the Government had not given sufficient proof of a willingness to comply with the provisions of this core Convention, as it had not requested technical assistance in this respect. The Committee expressed its deep concern over this situation and asked the Government urgently to amend the legislation and to report on the measures taken or envisaged in this respect. The Committee urged the Government to ensure full respect of the civil liberties essential for the full implementation of the Convention. The Committee voiced its wish to be able to examine this case next year.

Morocco (ratification: 1957). A Government representative expressed the wish of his Government to engage in a sincere and constructive dialogue with a view to finding effective solutions to the problems arising in the application, in practice, of the principles of international labour Conventions. Such solutions could only be reached through an understanding and objective assessment of the means used to implement these principles. He provided the Committee with information on measures taken to respond to the observations of the Committee of Experts on the application of the Convention. In his reply to the first observation of the Committee of Experts which emphasized the need to strengthen the legislative provisions of the Dahir of 1957 in order to guarantee in law, and in practice, adequate protection against acts of anti-union discrimination, he stated that section 8 of the draft Labour Code expressly prohibited any discriminatory measure based on trade union membership or participation in trade union activities. He then described the different stages in the preparation of a draft Labour Code and the consultations held with the social partners to obtain their comments and emphasized that its adoption was a Government priority.

He noted, in particular, that Parliament had held an extraordinary sitting in order to review certain draft legislation, including the Labour Code. The Parliament was not able to adopt the text during that sitting and it was given priority during the regular sittings when 23 review sessions were devoted to it by the competent Parliamentary Committee. He stressed the divergence of views between the social partners with regard to certain points raised in the Code and noted, particularly, that his Government had the majority and could put it to a vote. But, in a desire for concertation and dialogue and at the insistence of certain trade unions, it had been decided to continue a further examination in the framework of a tripartite committee set up for that purpose.

With regard to the observation by the Committee of Experts on the protection of workers' organizations against interference by employers in trade union activities, he acknowledged that the Dahir concerning trade unions did not expressly prohibit such interference, since this fundamental principle had to be respected at all times. A violation of this principle could be brought to court. Indeed, any act of interference was contrary to the objectives of the Dahir. Moreover, he stated that during the review of the draft Labour Code by the Parliament, a proposed amendment to prohibit such interference had been submitted by certain deputies and the Government was willing to accept this.

As regards the observations on the measures taken to encourage collective bargaining, he recalled the legislative provisions of the Dahir of 1957 on collective bargaining, which allowed collective agreements to be concluded, without restriction, as a means of settling working conditions. He then referred to circulars sent in 1990 and 1996 to the Governors of various Prefectures and provinces of the Kingdom, as well as to regional delegations on employment, asking them to reactivate the provincial conciliation committees and to make the social partners aware of the importance of collective agreements by providing them all with the necessary technical assistance. Moreover, he emphasized the importance of the dialogue begun with the social partners in the context of a permanent national tripartite committee for social dialogue which led to the signature of a joint declaration which constituted a genuine social charter. In this declaration, the parties undertook to respect labour law and the right to freedom of association, and to work for the rapid ratification of Convention Nos. 87 and 135. With regard to the settlement of labour disputes, he underscored the positive and encouraging results of the regional committees and of the National Conciliation and Arbitration Committee, which had met regularly since September 1996 to resolve collective labour disputes. He emphasized the role played by the Consultative Council created in 1994 to follow the social dialogue. This Council was presided over by a senior magistrate who was also President of the Supreme Court, and included representatives of the Government and professional organizations of employers and workers.

The Employers' members thanked the Government representative for his extensive statement. They noted that this case had been taken up on a number of occasions by the Committee of Experts and had been discussed by the Conference Committee in 1987, 1988 and most recently in 1994. During the discussion in 1994, the Employers' members had pointed out that the Government representative was saying essentially the same things stated already in 1987, when he had announced that a draft Labour Code had been prepared and was being submitted to Parliament for adoption in the near future. The Government representative had once again said very much the same when informing the Committee that the process of preparing the draft Labour Code had commenced in 1992, as well as in his description of the process of its amendment and examination. However, it appeared that there was not yet a foreseeable date when the draft Labour Code would be adopted. Moreover, no information had been provided on its scope. The Employers' members also referred to the report of the Committee on Freedom of Association on Cases Nos. 1687 and 1691, which had been adopted by the Governing Body in November 1986 and which had been particularly critical of the low level of willingness shown by the Government to cooperate. In his statement, the Government representative had provided a good deal of information on the efforts that had been made to introduce the draft Labour Code to Parliament, but very little information on its contents or when it might be expected to be adopted.

The Employers' members referred to the three points raised by the Committee of Experts in its report. With regard to the need to adopt measures to encourage and promote voluntary collective bargaining, the Government representative had referred to a number of circulars that had been issued. The Employers' members suggested that the Government should submit these circulars and all related documentation to the Committee of Experts so that it could examine their contents and likely impact on the matters under examination. The Government representative had also referred to the joint declaration adopted by a tripartite body that had been set up in 1996. This information should also be provided to the Office in a detailed written report.

In conclusion, the Employers' members noted that, despite years of endeavour, no noteworthy improvement had been achieved. Although the establishment of the above tripartite body might constitute progress, it was not the same as the adoption of the necessary legislation. In the opinion of the Employers' members, the Government required not only technical assistance, but should also envisage the possibility of inviting the Office to send a direct contacts mission to achieve progress in the situation after the case had been examined for so many years by the various supervisory bodies of the ILO.

The Workers' members thanked the Government representative for the information that he had provided and recalled that this case had been discussed in the Committee in 1987, 1988 and 1994. The Committee of Experts had been making very serious observations for many years concerning the absence of legislative provisions to guarantee in law and practice adequate protection for workers against anti-union discrimination, the absence of legislative provisions to protect organizations of workers against acts of interference by employers or by organizations of employers, and the poor functioning of collective bargaining procedures for the determination of the conditions of work, including wages. The Committee on Freedom of Association had also received numerous complaints concerning serious problems of anti-union discrimination and obstacles to collective bargaining. He noted the continued widespread violation of the provisions of the Convention in both law and practice. In accordance with the constitutional obligations of all member States of the ILO, a government that was confronted with such problems of application had to take all the necessary steps to find solutions, and to bring the law and practice into conformity with the provisions of ratified Conventions. Collaboration with national workers' and employers' organizations and with the ILO may be very useful in such cases. In this context, they wondered whether the Government of Morocco had really made all the efforts required to ensure the adoption of the draft laws under discussion. They recalled that, during the discussions in this Committee in 1988 and 1994, the Government representative had stated that a new Labour Code had been prepared. They deplored the fact that no information had been received as to the status of this draft legislation. In this regard, the Committee on Freedom of Association, in case No.1825, which had been examined in March 1996, had noted that the Government had not replied, despite the fact that the allegations were of serious violations of the principles of freedom of association. According to information that they had obtained, acts of anti-union discrimination were frequent in all sectors of activity. One survey had shown that 1,193 trade unionists, members of the Moroccan Workers' Union (UMT), had been dismissed because of their trade union activities and their membership in that organization. Of those workers, 240 were elected representatives who were executives in trade union offices. They emphasized that those revealing figures concerned only the private sector in 14 cities and testified to systematic recourse to discrimination against unions. It was in this context that the Committee of Experts had requested the Government, in a footnote, to furnish full particulars to the Conference.

The Committee had suggested in 1994 that use be made of the ILO's technical assistance and that a direct contacts mission should be undertaken. They deplored the fact that the Government had not responded positively to these suggestions and urged it once again to state clearly whether it would accept a direct contacts mission and if the necessary measures would be taken to give effect to the conclusions of such a mission. The fact that no progress had been noted since the first examination of the case by the Committee made it necessary to adopt such a measure. They observed that the response of the Government would have a direct effect on the nature and the form of the follow-up action taken by the Conference. Finally, they insisted on the importance of taking sufficiently dissuasive sanctions against individuals and entities which had committed acts of anti-union discrimination and asked the Government to provide all the necessary information, including the information referred to during the discussion, so that the Committee of Experts could make an exhaustive examination of the case.

The Workers' member of France, who was also speaking on behalf of the Workers' member of Morocco, thanked the Government representative for the information that he had provided. He recalled that Morocco had not ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), or the Workers' Representatives Convention, 1971 (No. 135), which could, in part, explain the situation that prevailed in the country. Nevertheless, Morocco had ratified the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which had led to the current discussion in the Committee. Even though the right to organize was recognized in the Moroccan Constitution and legislation, the consistent behaviour of the administration and government authorities depleted these texts of any meaning. The authentic, independent and free trade union movement, particularly in the form of the Moroccan Workers' Union (UMT), was the victim of constant acts of aggression of different types. The UMT had been the victim of anti-union discrimination, including the dismissal of trade union officers and their arrest by the public authorities. As reported by the Workers' members, in 1996, according to incomplete preliminary figures, some 1,193 UMT militants had been dismissed, of whom 242 were elected representatives. These arbitrary measures had been taken against activists in all regions and sectors.

Presenting a list of grievances or striking was automatically considered to be a reprehensible act. Even though the list of violations of freedom of association was long, certain flagrant cases merited citing. The first concerned government offices, where UMT union leaders had been transferred or downgraded because they had invited workers to join them in a simple, non-violent act of demonstration, namely the wearing of arm bands. The second was that of a hotel chain where the union secretary had been dismissed for having made a statement on public television following a strike. The upsurge of targeted retaliations, their frequency and gravity illustrated the discriminatory character of the conscious and deliberate policy to methodically decimate the UMT, dismantle its structures, demoralize its members and dissuade them from becoming members or participating in its activities. Large numbers of trade unionists had been charged, arrested and detained under the terms of section 288 of the national Penal Code, which provided for the imprisonment of anyone who tried or who succeeded in organizing a collective work stoppage. The application of this provision was subject to a very broad interpretation by the administrative authorities. In addition, in conformity with another provision of the Penal Code, trade unionists were subjected to forced labour, in violation of fundamental international labour standards as set out in the Abolition of Forced Labour Convention, 1957 (No. 105). The Government and the Prime Minister of Morocco had been urged to take the necessary measures to repeal these provisions, although no response had yet been noted to the appeal.

The second type of anti-union discrimination to which the trade union movement was subjected in Morocco was even more treacherous and insidious and consisted of dividing unions. Contrary to Article 3 of the Convention, the free and independent trade union movement was being undermined by the establishment of trade unions by the administration or by political parties. Nineteen such central organizations had already been created in Morocco, with a view to weakening the independent authentic trade union movement. One political party even had two central trade union organizations. This situation was not only contrary to the provisions of the Convention, but also to those of a crucial ILO resolution of 1952 on the independence of the trade union movement from any authority.

He emphasized that Moroccan workers had the right to be protected against anti-union discrimination. With regard to the right to collective bargaining, he recalled that this right constituted an important element of the right to organize, because without collective bargaining the right to organize was rendered theoretical and abstract. The social dialogue organized by the Government would be little more than a formal exercise until the fundamental issue of trade union rights was resolved. In this respect, he pointed out that the labour legislation referred to by the Government representative had been formulated unilaterally, without consultation, concertation or negotiation. He therefore insisted that the Government take the necessary measures as soon as possible to ratify Conventions Nos. 87 and 135, which were indispensable to make Convention No. 98 operational. Finally, he requested the Government to indicate the number of employers who had been subjected to legal proceedings or sanctions for abuse of power in relation to illegal dismissals, and to state the precise date envisaged for the ratification of Conventions Nos. 87 and 135.

The Workers' member of Italy stated that the information provided by the Government representative bore no relation to reality. There was an ongoing process aimed at the dissolution of trade unions. This situation was detrimental to democracy and contrasted with the assertions of the authorities that they were seeking to strengthen democracy. Furthermore, the situation of workers had deteriorated due to the economic transformations, the reduction of social protection in large enterprises and the expansion of the informal and service sectors. Labour law was almost exclusively applicable in practice to the public sector and to large enterprises, in a situation in which labour inspection had rather limited means at its disposal to cope with the very many violations of trade union rights and labour law. Conditions of work were set almost unilaterally by employers. However, the Government could demonstrate a real will to promote social dialogue by deciding to ratify Conventions Nos. 87 and 144. Such a step would permit an improvement in law and practice and would bring them into full conformity with the provisions of Convention No. 98. Explanations also needed to be provided for the interference by public authorities in trade union activities.

The Workers' member of Senegal endorsed the statement by the Workers' member of France concerning the importance of the ratification by Morocco of Conventions Nos. 87 and 135. However, he expressed certain doubts as to whether the Government really intended bringing national law and practice into conformity with the Convention under discussion. He noted that no significant progress had yet been observed in spite of the time that had elapsed since the first examination of this case by the Committee. Workers continued to be subjected to anti-trade union measures in violation of Article 1 of the Convention. He finally urged the Government to indicate clearly when it planned to adopt the legislation, which had been discussed at such length.

The Government representative thanked all those who had taken the floor and stated that he had listened with an open mind to all the comments and observations that had been made. He reiterated his firm intention to defend the principles set out in the Convention, namely to combat anti-union discrimination and interference in the activities of workers' organizations and to promote and encourage collective bargaining. With regard to the ratification of Conventions Nos. 87 and 135, he recalled that he had referred in his first intervention to the joint declaration concluded with the social partners, which specified the Government's commitment to ratify these basic instruments. He also considered that the joint declaration went further, since the social partners had also undertaken to create the conditions necessary for such ratifications. He considered that it was of the utmost importance to cooperate with the ILO and said that all technical assistance offered in this respect would be very welcome. As regards the question of anti-trade union dismissals, he emphasized that, in the context of the dialogue between trade unions and the Government, a tripartite committee had been set up which was responsible for examining all the cases of dismissal that the trade unions considered to be contentious. The committee had already proposed positive solutions in certain cases which had been examined. As regards the exact date for the promulgation of the draft Labour Code, the Government representative emphasized that it was the workers' organizations that had requested that the draft be subject to a tripartite discussion. Following the comments made by different organizations, including the ILO, a new draft Code had been prepared. As the parties had not succeeded in reaching agreement on all questions under consideration a committee had been set up to resolve the outstanding issues. The Government representative noted that technical assistance from the ILO would be quite appropriate in this context. Finally, with regard to the joint declaration, the Government representative stated that it had been signed by all the parties concerned. He was ready to transmit a copy thereof to the Office for examination by the Committee of Experts. He would keep the Committee of Experts informed of the outcome of the negotiations within the above Committee. He recalled that the draft Labour Code contained provisions relating to each of the principles in the Convention, namely the prohibition of anti-union discrimination and interference in trade union activities, as well as the promotion and encouragement of collective bargaining.

The Workers' members referred to two points that had been emphasized by the Government representatives. In the first place, they noted that the Government representative had, on numerous occasions, placed the responsibility for the delay in adopting the draft Labour Code upon workers' and employers' organizations. They also noted that the Government representative had expressed a readiness to adopt any suggestion made with a view to improving the situation in his country. In this context, they recalled that the Workers' and Employers' members had already proposed a direct contacts mission in 1994. No effect had been given to that suggestion, which was even more appropriate at the present time. They therefore called upon the Government to give a clear indication of its willingness to receive a direct contacts mission in the very near future.

The Employers' members endorsed the statement by the Workers' members that it would now be appropriate for the Government to invite the Office to send a direct contacts mission to address the problems raised by the supervisory bodies in relation to the application of the Convention. However, the Government representative had only referred to technical assistance. He undoubtedly knew the difference between technical assistance and a direct contacts mission, and his statement would therefore have to be construed as a rejection of the possibility of inviting a direct contacts mission.

The Government representative stated that his Government was ready to accept ILO technical assistance and added that this assistance was already being provided by the multidisciplinary advisory team (MDT).

The Employers' and Workers' members noted that the Government representative had not clearly indicated whether he would accept a direct contacts mission, as already proposed by the Committee in 1994. Given the importance of the case, they therefore called for the case to be included in a special paragraph of the report of the Committee.

The Committee noted the information provided by the Government representative and the debate that followed. The Committee recalled that it had discussed this case on several occasions in 1987, 1988 and 1994. The Committee noted that both the Committee of Experts and the Committee on Freedom of Association had criticized the divergencies between law and practice in relation to the provisions of Articles 1, 2 and 4 of the Convention. Despite the fact that the Government had undertaken to submit a draft Labour

Code to Parliament to bring its legislation into full conformity with the Convention, the Committee was bound to regret with deep concern the numerous complaints concerning measures of anti-union discrimination and interference in trade union activities submitted to the Committee on Freedom of Association. The Committee urged the Government to supply the above text so that the Committee of Experts could examine whether its provisions guaranteed adequate protection to workers against acts of anti-union discrimination and to workers' organizations against acts of interference, and whether they promoted the voluntary negotiation of collective agreements for the determination of terms and conditions of employment. The Committee once again urged the Government to indicate in its next report whether the draft Labour Code and the draft Law on the Settlement of Collective Disputes, to which it had referred, had been adopted. The Committee expressed the firm hope that it would be able to note substantial progress in this respect in the very near future. The Committee regretted that the Government had not accepted the proposal to invite a direct contacts mission, as the Committee had requested the Government to do three years ago. The Committee decided to mention this case in a special paragraph of its report.

The Government representative indicated that the Government was willing to accept ILO technical assistance and that a technical cooperation programme was in fact in progress with the multidisciplinary team. In the circumstances, the invitation to accept a direct contacts mission was being neither accepted nor rejected.

Convention No. 100: Equal Remuneration, 1951

Nepal (ratification: 1976). A Government representative of Nepal insisted that, at present, no wage discrimination between men and women in organized tea plantations was allowed. Article 11(1) of the 1990 Constitution of Nepal stated that "All citizens shall be equal before the law" and article 11(3) added that "the State shall not discriminate between citizens on grounds of religion, race, sex, caste, tribe or ideological conviction or any of these". With regard to remuneration, article 11(5) further stated that "no discrimination in regard to remuneration shall be made between men and women for the same work". While the provisions of the Constitution are quite clear, he specified that there were two types of ownership of tea plantation estates in Nepal: some were owned by the public sector and others by private interests. In public estates, workers received equal wage without discrimination. Steps were taken by the Government to ensure that a similar situation prevailed in private tea plantations. For instance, in line with the recommendations contained in the report of the ILO mission to advise on wage fixing and equal pay (presented to the Government in 1993), after tripartite consultations and agreement, his Government constituted a tripartite minimum wage-fixing committee which had already fixed the minimum equal wage for tea plantation workers, whether male or female. Second, studies and surveys had been encouraged to identify if any wage discrimination based on sex existed in the privately owned tea plantations. The Government strengthened its monitoring and supervision mechanism in this regard. In conclusion, he recalled that the Minister of Labour in Nepal was an active trade unionist and president of one of the two main trade unions of Nepal and that he had personally taken great interest in this issue. He declared that his Government would do its utmost not to allow any wage discrimination based on sex and expected the further support and cooperation of the international community, including the ILO, to ensure the compliance with and implementation of the ILO Conventions which Nepal had already ratified and was in the process of ratifying.

The Employers' members noted that the difference in the wages paid to men and women which had been noted in this case by the Committee of Experts was clearly not permitted under the terms of the Convention. These differences occurred in particular in organized tea plantations. The Government representative had stated that the payment of unequal pay to men and women for equal work could be punished under the law. He had also provided certain explanations of the situation in a number of tea plantations, where exceptions to the provisions of the law in this respect had been allowed for the purposes of the development of the plantations and to provide more jobs for women. However, the Convention did not allow such exceptions. Discrimination should not be allowed, even for the purposes of promoting economic development. The Government representative had referred to the limited time period during which such measures were allowed and had stated that the matter had been discussed by a tripartite advisory body, which had recommended that no further exceptions should be allowed. Moreover, the observation of the Committee of Experts had also referred to the existence of certain criteria, including traditional practice and social and economic circumstances, under which such discrimination might continue to be permitted. At the same time, the Government representative had also emphasized his Government's commitment not to allow wage discrimination and to distance itself from this discriminatory situation. It was therefore unclear what this might mean in practical terms.

In raising the issue of equal pay in the case of Nepal, the Committee of Experts had raised the complex question of not only providing equal pay for equal work, but also for work that might be different but was of equal value. The Employers' members pointed to the difficulty of implementing this principle in practice. There were no scientific or generally recognized methods by which the value of work could be evaluated. Although many different approaches to evaluating the value of jobs had been developed, they still remained a matter of interpretation. Attempts to apply the principle of equal pay to different jobs opened the door to all kinds of arbitrary judgements. Nevertheless, the Employers' members called upon the Government to provide a report containing detailed information and to take up a specific position on the points that had been raised. It was to be hoped that the information contained in this report would indicate that the discrepancies observed between national law and practice and the provisions of the Convention would be eliminated in the shortest possible time.

The Workers' members thanked the Government for the information provided concerning this case and recalled that the principle of equal remuneration enshrined in the Convention was a fundamental human right. The fact that this Convention had been classified amongst fundamental instruments revealed the importance attached to it by the ILO. They subscribed entirely to the opinion expressed by the Committee of Experts according to which equal remuneration had to be applied to all workers without exception, regardless of the level of economic and social development of the sector in which they worked. They recalled that the Committee discussed on a regular basis cases regarding the application of the Convention by industrialized as well as developing countries.

The Committee of Experts noted that equal remuneration in Nepal was a principle provided for in both the Constitution and the legislation. However, the statement by the Government according to which differences of remuneration between men and women, particularly in the tea plantation sector, existed because of customary national practices, was contrary to the fundamental principles recognized by the Constitution itself as well as by the law in Nepal. Insisting on the importance that national practice should comply with the provisions of the Convention, they requested the Government to take all necessary measures in order to put an end to these violations, even temporary, of the principle of equal remuneration in the tea plantation.

Concerning the principle of equal remuneration for work of equal value when men and women performed different work, they indicated, as had the Committee of Experts, that the Constitution of Nepal only forbade wage discrimination between men and women with respect to the same work. Moreover, the Labour Regulation of 1993, although broader than the Constitution, had a narrower scope than the Convention with respect to equal remuneration. They pointed out that the principle provided for in the Convention covered not only the cases where men and women were performing the same or similar work, but also the more common situation where men and women were performing a different type of work. They emphasized the fact that, in the establishment of remuneration structures, the requirements for different tasks performed by men and women had to be evaluated in an impartial manner on the basis of objective criteria taking into account the various aspects of the work performed by men and women. They expressed the hope that the Government would implement the recommendations contained in the Mission report prepared by the ILO on the setting of wages and equal remuneration in 1992, which could take place within the recently created tripartite Labour Advisory Board. They requested the Government to rapidly take the necessary measures, taking into account the observations formulated by the Mission, the Committee of Experts and this Committee, to put an end to the violations in practice and in law of the fundamental principle of equal remuneration between male and female workers who were performing work of equal value. Finally, they recalled that the technical assistance of the ILO was available to the Government if they so wished.

The Workers' member of Singapore expressed her appreciation of the difficulties experienced by Nepal at this very early stage of its development and her sincere hope that whatever assistance that could be supplied by the ILO and other agencies would continue to be used to assist the country in the fulfilment of its obligations. Nevertheless, she believed that the reasoning put forward by the Government representative for allowing discrimination in pay between men and women plantation workers was seriously flawed. A policy of that nature reduced the worth of women's contribution to the economy and served to entrench women in low-skilled and low-paid jobs. In the long term, it could even discourage women from acquiring better skills and higher qualifications. Another consequence of such discrimination was that it would in the long-term depress the wages of male workers, thereby affecting standards of living in general. It would make better economic sense for Nepal to make the most effective and productive use of all its human resources, regardless of their gender, with a view to accelerating its development process. With regard to the hope expressed by the Government that it could promote the development of tea plantations through disparities in wages, she endorsed the view expressed by the Committee of Experts that many other measures existed to promote growth. In this respect, the sharing of information and the assistance of the ILO and other UN agencies could help to promote sound government policy. She noted in this regard the establishment of a tripartite Central Labour Advisory Board and the request by the Government for technical assistance. These initiatives were to be welcomed and would undoubtedly assist the country in fulfilling its obligations and promoting its development process.

The Workers' member of Pakistan welcomed the progress made in Nepal in strengthening its democratic system, as well as its ratification of the Convention and the fact that a trade union colleague had been appointed Minister of Labour. He hoped in particular that as a result of these developments women would benefit from better and fairer treatment than in the past. He agreed with previous speakers that respect for the principle of equal pay throughout the world was vital in order to allow women to play their rightful role in society. No progress could be achieved without observance of this fundamental principle, which was why it had been enshrined by member States in the ILO Constitution and the Convention. Although the Government had taken certain measures, such as fixing minimum wages, efficient labour inspection was required to apply these provisions in practice. He noted that women in the country were not encouraged to participate in trade union activities. The Government should be requested to take measures to remedy the situation in this respect. With regard to the wage discrimination that existed between men and women in certain tea plantations, the Committee should emphasize that exemptions could not be allowed to the principle of non-discrimination. He therefore called upon the Government to take more effective measures to remove the disparities in question and to show greater political will to comply with the obligations deriving from the Convention. It should request the assistance of the ILO in ensuring that the Convention was applied more fully in practice.

The Government representative stated that although rules had been adopted, it was very difficult to supervise their enforcement, particularly in small private enterprises. However, the Government would be taking initiatives in these areas.

The Committee noted the information received and the discussions which followed. The Committee shared the concern expressed by the Committee of Experts concerning wage discrimination between men and women. It noted that the Government had granted immunity from the national equal pay provisions to some employers in the tea industry in order to provide incentives to that industry and to improve the opportunities for the recruitment of women. The Committee noted with concern that the Government considers that this practice does not violate the basic provisions of the Convention. The Committee emphasized that any scheme which denies women the fundamental human right of equal pay is not in conformity with the Convention. The Committee also noted that no information had been supplied on the means adopted to apply the principle of equal pay in situations where men and women may perform work that is different but of equal value. The Committee noted that the Government had requested technical assistance for the implementation of the Convention. It also noted that the Government had not yet implemented all the recommendations of the technical assistance already provided. The Committee trusted that the Government would be able to report in the very near future that, with the assistance of the ILO, if necessary, practical and effective measures had been taken to give full effect to the Convention.

Convention No. 102: Social Security (Minimum Standards), 1952

Peru (ratification: 1961). A Government representative stated that this Convention established in Part II that all member States which had ratified it must guarantee preventive and curative medical care. Furthermore, it provided other benefits which must be guaranteed by ratifying member States, including: cash sickness benefit, old-age and survivors' pensions; work injury benefit in case of accident or occupational disease, family benefit and maternity benefit. In this respect, in Peru the National System of Social Security was comprised of the following regimes: the National Pensions System, regulated by Decree No. 19990, the National Health System, regulated by Decree No. 22482; and the System of Work Injuries and Occupational Diseases, regulated by Decree No. 18846. Regarding certain comments of the Committee of Experts, the Government representative provided the following information: Old-age benefits (Part V). Article 29 of the Convention established the conditions for the right to a full or reduced old-age pension. Concerning the Peruvian private pensions system, employed and self-employed workers both were entitled to join and benefits were paid to affiliates who completed 65 years of age, the age prescribed in Article 26(2) of the Convention. It was important to note that in this case, no qualifying period existed for receipt of an old-age pension, exceeding in this respect the qualifying conditions established by the Convention and demonstrating that the private pensions system went beyond the minimum standards. The amount of pensions provided in conformity with section 13 of Act No. 26504 was not effected. The Government of Peru had established by supreme decree the requirements and conditions under which the private pensions system must guarantee a minimum pension to its affiliates. In this respect, attention was drawn to section 13 of Resolution No. 484-95-EF/SAFP which sets the parameters for establishing the amount of the minimum pension due in case of payment in the form of a programmed retirement or temporary annuity.

Furthermore, Article 30 of the Convention established that old-age protection shall continue throughout the contingency, i.e. during the entire time that the insured lives beyond 65 years of age. It was noted that the private pensions system provided various modes of payment of retirement benefit which were freely chosen by the affiliate or the survivors. In effect, section 42 of Decree No. 25897 established the following methods: (1) programmed retirement benefit; (2) personal life annuity; (3) family life annuity; or (4) a temporary annuity with a deferred lifetime annuity. Through these methods, except for the programmed retirement benefit, pensions were provided to workers throughout their retirement, fulfilling the minimum standards contained in Article 30 of the Convention. In addition, in the case of a family lifetime annuity and a temporary annuity with a deferred lifetime annuity, the pension would continue beyond the life of the insured and be converted into a survivor's pension. The method of payment of pension was freely chosen by each worker, demonstrating that the system was based in full on the choice of the worker who knows best his or her interests and needs.

Article 58 of Convention No. 102 established invalidity protections to be paid when an insured person became unable to exercise an occupation. In conformity with section 9 of Act No. 2679 on the modernization of the social security law of Peru, Social Health Fund under the Peruvian Social Security Institute paid cash benefits for temporary invalidity and maternity. Affiliates of the private pensions system were compulsorily covered under this scheme. When the incapacity exceeded the period of cover for the insured person, the affiliates of the private pensions system had the right to a temporary invalidity pension paid out of their individual capital accumulation accounts or to select the applicable method for payment of retirement benefit. In case of permanent invalidity, the insured could choose between an early retirement pension, as provided by law, or the applicable normal retirement pension. As could be seen, the system guaranteed that an insured worker who suffered from an incapacity which rendered him or her unable to work was provided for, even when the disabled worker had not fulfilled the conditions for a regular pension.

Regarding Articles 65 and 66 of the Convention on the calculation of various cash benefits provided under the social security system, it was pointed out that the implementation of the private pensions system had taken into account these criteria. The Government of Peru had paid special attention to the establishment of criteria for fixing the minimum amounts of pensions and subsidies, which was related in each case to the previous remuneration of the insured worker. In this sense, section 13 of Law No. 26504, through a supreme decree, had established the requirements and conditions under which the private pensions system guaranteed a minimum pension to its affiliates. Resolution No. 484-95-EF/SAFP fixed the rules for establishing a minimum amount for a pension under the programmed retirement or temporary annuity methods of payment. Decree No. 19990 which regulated the National Pensions System set the invalidity pension at 50 per cent of the reference wage, i.e. the insured earnings. As could be seen, these levels were in accord with the percentages established in the annex to Part XI of the Convention. Act No. 23908 of 1984 fixed a minimum pension equal to three-times the minimum wage established in the industrial sector in Lima. This did not currently include pensions which had been paid for less than one year from the date the insured became entitled to a pension. It was clear that the framework of standards had been modified, but it was no less certain that the will had existed to establish these minimum levels of benefit to guarantee an adequate benefit.

As could be appreciated, the Peruvian Government had largely exceeded the minimum standards of the Convention, demonstrating its willingness to adequately protect workers and the population in general. Social security had been enshrined in article 10 of the Peruvian Constitution.

Finally, the Government representative explained briefly that the private pension system existed in Peru in parallel with and alternatively to the public system, and that affiliation was voluntary. It was administered by the Pension Fund Administrators (AFP) and regulated by Decree No. 25897. This system functioned through individual savings investment accounts. The Government had issued standards for the private pensions system with the aim of developing and strengthening pensions which had not been adequate. Equally, the implementation of this system implied the recognition of the right of workers to voluntarily select which system to join, without any coercion, as stated in the constitutional provision of the "principle of freedom of contract". In June 1996, this Committee had invited the Government to furnish information on ratified social security Conventions (Conventions Nos. 35 to 40). At that time, it was indicated that the public system of pensions paid a maximum pension which was absolutely insufficient and did not relate to the amount of contributions paid by the worker. The Government therefore developed this system with the goal of improving pensions for Peruvian workers. The implementation of this system in Peru had brought substantial benefits for all of the country through the savings produced which had been invested in various projects and created new jobs. Furthermore, according to various studies carried out in Peru, it appeared that persons affiliated with the private pensions system received significantly greater pensions than those paid under the public system. The benefits provided by the private pensions system included only old-age, invalidity and funeral benefits and did not concern medical benefits which were provided under the National Health System.

In light of the above-mentioned information, the Government considered that the private pensions system developed in the framework of social protection could not be understood or analysed within the context of Convention No. 102. For this reason, the Government called on the ILO to revise the provisions of this Convention, in order to allow for new approaches to social security now being adopted in various countries around the world. The Government considered that the National System of Social Security complied with all of the provisions of the Convention on minimum standards of social security.

The Workers' members thanked the Government representative for the information that he had provided and that he had undertaken to supply to the Committee of Experts for its examination. They recalled that issues relating to Peruvian social security had been discussed by the Committee in 1994 and 1996 with regard to the application of older social security Conventions, namely the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), and the Survivors' Insurance (Agriculture) Convention, 1933 (No. 40). In 1996, it was decided to put aside those outdated Conventions with immediate effect and to promote the ratification of more recent instruments, and particularly the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128).

In general terms, the Convention established minimum standards for all branches of social security, which were then set out in a fuller and more detailed fashion by other Conventions such as the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128). As observed by the Committee of Experts in its present report and in its General Surveys of 1961 and 1989, the Convention was designed in a very flexible manner. Indeed, Article 2 of the Convention laid down that member States which ratified it could specify the Parts under which they accepted the obligations. Furthermore, under the terms of Article 5, ratifying States, which were bound to protect prescribed categories of the population accounting for at least a specified percentage of workers or residents, had to ensure that the prescribed percentage was achieved. The required level of social security could be attained in various manners, since the Convention did not endeavour to promote one system of management and organization over any other system. It was intended to impose minimum standards, irrespective of the public, semi-public, mixed or private nature of the system in question.

The Workers' members deplored the ideological approach adopted by the Government, which was illustrated by the report it had transmitted to the Committee of Experts. Without replying to the detailed observations of the Committee, it had confined itself to general remarks of a political nature. The statement made by the Government representative to the Conference Committee was of the same nature. Irrespective of the nature of the system in question, governments and public authorities had a general responsibility to ensure the proper administration of the institutions, enterprises and services concerned with the provision of benefits. In this respect, the Workers' members referred to the position that they had expressed on the social security Conventions during the Committee's general discussion. They noted that the Employers' members had expressed substantially the same opinion.

In the same way as the Committee of Experts, they noted that the private pensions system was organized in such a fashion that, once a worker had joined a private pension fund administration, it was no longer possible to be insured under the scheme administered by the Insurance Standardization Office, which meant that the private pensions system which currently coexisted alongside the public system could end up totally replacing the latter. In these circumstances, the private system would become the definitive system for the worker concerned, who would then be subject to the important shortcomings noted by the Committee of Experts. In particular the payment of pensions was not guaranteed for the whole duration of the contingency. Furthermore, nothing guaranteed that the minimum pension, prescribed by the Convention, would be achieved, since pension benefits also depended on the capital accumulated in individual accounts. Workers appeared to have to pay the totality of contributions. Finally, it appeared that protected persons' representatives could not participate in the management, which was contrary to a basic rule of democracy. With regard to the public pensions system, the Workers' members deplored the fact that the Government confined itself to criticizing the scheme without endeavouring to find practical and effective solutions to guarantee its survival and effectiveness and to ensure the payment of pension benefits.

The Workers' members emphasized the serious nature of the problem and noted that an increasing number of people, who were entitled to receive a pension, no longer received it and were obliged to go to the national courts in order to have their rights upheld. The general responsibility for guaranteeing the survival and proper functioning of all the pensions systems concerned lay with the Government. The issue in question was a matter of fundamental principles and proper public administration. They therefore requested the Government to reply to the detailed observations made by the Committee of Experts and to undertake to adopt measures in the near future which would give effect to the provisions of the Convention.

The Employers' members recalled that the Convention raised important and technical questions. The fundamental question of the coexistence of a public social security system with a new private system had already been addressed when the Committee had discussed the application of Conventions Nos. 35 to 40. None the less, it was possible to ask, in the light of the Convention, if the private system should be measured by the same criteria as the public system. If the reply was yes, the private system should fulfil the provisions of the Convention. The Government representative had not disputed the fact that the old public system had been totally insufficient and inadequate. According to the Government, it was for this reason that the public system had had to be substituted by the private one, but a worker who affiliated with the private system could not return to the public system. In any case, the application of the Convention was problematic because the public and private systems were both weak, and in this respect the Committee of Experts had raised doubts and had questioned whether the new system complied with the requirements of the Convention. In certain conditions, a private system of retirement or invalidity pensions might be more efficient than a public system. None the less, it did not appear to be the case with the current private system in Peru and the Government should modify both the public and private systems to conform with the provisions of the Convention.

The Government representative had provided a certain amount of information which should be included in the government report to the Committee of Experts for evaluation. With regard to the Government's suggestion that the Convention be modified, the Employers' members indicated that they had considered this. They recalled nevertheless that the Peruvian legislation needed modifying to bring it into conformity with the Convention. They asked the Government to send a complete report to the Committee of Experts so that it could examine all aspects related to the application of the Convention.

The Workers' member of Argentina stated that, as in 1994 and 1996, the Peruvian social security system was again being examined. He expressed his concern over the repeated observations of the Committee of Experts on the same matters in various Latin American countries, as well as for the unfulfilled government promises to rectify these problems and he demanded more concrete action to reduce the discrepancies between national law and practice on the one hand and the principles contained in the ILO Conventions on the other. He indicated that the progress of Latin American integration would be a mere economic entity and would not bring about social justice and equality if the social principles rooted in the ILO were not taken into account. The speaker stated that Convention No. 102 was flexible in order to permit a wide range of national solutions and easy adaptation to technical changes in protection. But despite this flexibility, the Government had not amended its legislation to the provisions of the Convention. He stressed that it was possible and acceptable that a country have both public and private systems for pensions. But Peruvian workers could not return to the state system once they were affiliated to a fund administrator. Furthermore, the public system was in a state of terminal crisis and it was clear that the possibility to freely choose between the two systems was only hypothetical. He also indicated that the problem of non-contribution by employers remained. It was necessary to avoid the spread of the Peruvian situation to other Latin American countries, as the primary evidence showed that exclusively private social security systems served only a few workers. Lastly, he asked that this case continue to be monitored, not only concerning the adaptation of standards but also concerning the results and effects, in order that the supervisory bodies could evaluate the evolution of these systems in the coming years.

The Workers' member of the United States warned against the dismantling and undoing of social security in the name of efficiency, modernization and the supposed absolute wisdom of the market. The problems faced by Peruvian workers, which were being discussed in the present case, were part of a much bigger dynamic affecting the whole of Latin America and the Caribbean. The debt restructuring conditions imposed by the major international financial institutions called for full-scale structural adjustment and privatization at the state level, and in its enterprises and services. These conditions contributed to the problems underlying the Peruvian case. He observed that the general funding crisis faced by modern States, especially in Latin America, had led to a crisis of faith in the social security concept. In fact, the idea of total privatization had gained support, with the effect that old-age protection had become prey to the unknown factors and inherent hazards of the market. This argument had prevailed in Chile, threatened the *obras sociales* in Argentina, had commenced by way of legislative Decree in El Salvador and was due to be put into effect in Mexico. Even in the United States, a number of multinational financial houses had been lobbying actively for the total dismantling of the social security system, using the argument of an underfunding crisis in the federally administered system.

The problems raised by the Peruvian case today had to be viewed in a broader perspective, in which the integrity of the social security concept was jeopardized at the national, regional and international levels. In fact, the general situation in the Peruvian case, including the reality that Peru's private scheme was coming to replace its public system, had created the specific problems which the Committee of Experts had addressed in its latest observation under the Convention. The Peruvian Government had agreed a couple of years ago that the private pensions system in Peru, in view of its principles and general characteristics, could not be included or analysed within the scope of the Convention. The Committee of Experts had already stated in its General Surveys of 1961 and 1989 that social security coverage could be subject to various approaches, thereby foreseeing the problem of an increase in the number of private schemes in the future. Moreover, in the case of Peru, the Committee of Experts had observed in February-March 1995 that, once Peruvian workers had registered with a private pension fund administrator, they could not opt back into the public system, which contributed to the tendency that the private system was effectively replacing the public system. The rationale of the Committee of Experts had been reinforced by the admissions of the Peruvian Government before the Committee last year, to the effect that the public system was collapsing and was unable to provide adequate coverage. He considered that the integrity of the public system had been mortally threatened by the Peruvian Government's evident lack of commitment to it and by the evident encouragement of the private option. He deplored the fact that, despite the Committee of Experts' request for information concerning the private pensions system and compliance with essential aspects of the Convention, the Government had confined itself to providing vague information, without addressing any of the critical issues.

Finally, he asked the Government to provide the information requested by the Committee of Experts. Only when such information was provided in full would a thorough evaluation be possible.

The Workers' member of France, agreeing with the comments of the Workers' members, wished to comment further on the system of old-age benefits in Peru. He recalled that the Convention was important both in terms of protecting the workers' social and economic rights and of setting the level of flexibility possible for its implementation. The problems facing Peruvian workers arose from experimentation with new forms of managing social security systems, in particular privatization. The difficulties in obtaining respect of their rights to receive a decent pension in the system to which they contributed were not unique, but that did not make them any less unacceptable. Trends towards dismantling systems based on the principle of solidarity, with mandatory participation from employers in financing and replacing them by private systems based on individual capital without mandatory employer contributions, were worrying and did not offer the guarantees required by the Convention. These private systems were, by their very nature, unpredictable because they relied in part on international financial speculation and on fluctuations in the financial markets. The returns could therefore fall below the levels set by the Convention. The fact that a State was prepared to assume the obligations of a private pension scheme that went bankrupt was not an adequate solution because, in such a case, the workers contributed twice to the system: once through the payment of contributions and a second time through their taxes. In addition, in private systems the benefit ceased once the individual accumulation was exhausted and this could mean that the old-age benefit was not really covered. In the many cases where wages were less than or just equivalent to the basic minimum, the workers were often not able to build up sufficient rights to ensure their basic needs in old age. This meant that the already wide gaps in society would become even wider. He considered that there was no need to revise the Convention, as the Government representative had suggested, in order to promote privatization and individualization of pension schemes. This instrument only set minimum principles and in no way restricted recourse to public, mixed or private systems as long as they respected the requirements of its provisions. The chosen system had to guarantee to workers the old-age benefits to which they were entitled. The public scheme in Peru should therefore be revitalized in order to ensure the entitlements of its members. He recalled that a public system could allow joint management and participation of the social partners in its administration, which was not possible in private systems. Appropriate measures had to be taken so as to ensure respect of the Convention independently of the choices made by the State. He asked the Government, as had the Committee of Experts, to send a detailed report on the measures taken so as to guarantee the rights to social security and a decent level of benefits. In the light of this information, the situation ought to be re-examined.

The Workers' member of Colombia stated that, contrary to appearances, many categories of the population were excluded from the application of the Convention and that the private pensions systems were not as they appeared: only well-paid workers in fixed employment could hope for an adequate annuity; this hope did not exist for workers in the informal sector and was not realistic for independent workers. Furthermore, the principles of integrity, solidarity and universality of benefit had not been fulfilled. The ILO should closely follow this and similar cases in Latin America.

The Government representative appreciated the various interventions and emphasized the balanced and thoughtful way in which the comments and criticisms had been formulated. He promised to transmit the various concerns to the Government in order that they would be addressed in the Government's next report.

The Committee noted the statements made by the Government representative and the debate which followed. The Committee shared the opinion that the coexistence in the social security system of both a public and a private system, as in the case of Peru since 1992, was not in itself incompatible with the Convention, which allowed the minimum level of social security to be attained through various methods. Nevertheless, the Committee expressed profound concern that, as the observations of the Committee of Experts and the debate appeared to show, the minimum levels of benefit for retirement and invalidity guaranteed by the Convention might not be guaranteed, either by the public or the private social security system, although for differing reasons. The Committee trusted that the Government would provide a detailed report in 1997, as requested by the Committee of Experts, so that the information provided could be examined in depth.

Convention No. 107: Indigenous and Tribal Populations, 1957

India (ratification: 1958). A Government representative emphasized that India was a welfare State committed to the welfare and development of its people in general, and of vulnerable categories in particular, such as tribal peoples. The Constitution of India, and particularly its articles 38, 39 and 46, bore witness to this commitment. In this context, he noted that the population of the scheduled tribes in India amounted to 67.8 million, or over 8 per cent of the total population. Progress in the development of these people had been set out as a major objective of national policy in successive five-year plans. This commitment had also been shown at a very early stage by the ratification of the Convention in 1958.

With regard to the comments of the Committee of Experts on the working conditions in the ash area of the Gujarat Electricity Board, he drew attention to the sharing of powers and responsibilities under the terms of the Indian Constitution between the central and provincial Governments. Responsibility was also shared in this manner for labour legislation and labour administration. In this particular case, the responsibility was that of the provincial government of Gujarat, which had supplied most of the information that he would now provide to the Committee. The Gujarat Electricity Board owned the thermal power station at Ukai, which employed over 2,000 regular employees. There were also nine annual contractors employing some 300 workers and 12 casual contractors employing another 300 workers. All of these contractors possessed valid licences issued under the Contract Labour (Regulation and Abolition) Act of 1970. These workers worked according to shift hours fixed by the authorities and were entitled to overtime payments, and free medical benefits. Rest rooms and crèches had also been supplied, as well as uniforms and shoes. The workers were entitled to casual leave, earned leave, sick leave and public and optional holidays. The contractors also provided uniforms and shoes for their workers. The communication sent by the Bijli Mazdoor Panchayat trade union to the Committee of Experts concerned the people working outside the factory premises who separated burnt coal ash from water. These workers were not covered by any settlement and did not work under any registered contractor. The Gujarat Electricity Board had given this work out to a firm, which in turn gave the work to 200 persons known as "Mukadams", who were paid on the basis of the burnt coal ash removed from the premises. The Mukadams employed members of their families and outsiders. The Mukadams were paid on a monthly basis, but had not been registered under the Contract Labour (Regulation and Abolition) Act. He informed the Committee that two criminal cases had been filed against the enterprise concerned, as well as a case filed on the same matter by the Bijli Mazdoor Panchayat. The Ukai Thermal Power Station and the Gujarat Electricity Board had not accepted liability for providing facilities under the terms of the Factories Act to the workers in the ash area and had challenged the claim that the Factories Act applied to that area. However, the Assistant Labour Commissioner and the Gujarat Government Labour Officer had carried out inspections and taken a number of measures concerning the tribal workers. On humanitarian grounds, the Gujarat Electricity Board had agreed before the High Court to provide basic facilities to these workers, and had in practice provided drinking water, toilets, sheds, a crèche and first-aid facilities. The Mukadams were paid at a rate of 155 to 165 rupees per ton for separating the burnt coal ash from the flowing water, sieving and drying it. Their activity had not been covered under any scheduled employment under the Minimum Wages Act. The provisions of the Act had not therefore been fully implemented in that area, even though the Gujarat Government had proposed that the work should be covered by the Act and action in this respect was expected in the near future. Moreover, legal action under the Equal Remuneration Act against the employer of these workers had been sanctioned by the Commissioner of Labour. It could therefore be seen that the appropriate government had taken action against all those concerned in the exploitation of tribal workers. The results of this action would further improve their conditions of work.

With reference to the comments by the Committee of Experts on the question of the Sardar Sarovar Dam and Power Project, he explained that the differences noted in the progress of resettlement and rehabilitation between the various states were only natural, because the necessary measures were only taken as the project advanced every year. Indeed, the construction of the dam was linked to the implementation of resettlement and rehabilitation measures in order to ensure successful rehabilitation well before the lands in question were submerged. The construction of the various blocks of the dam was planned on an annual basis after reviewing the progress made in rehabilitation. This progress was reviewed by a rehabilitation committee, under the chairmanship of the Ministry of Welfare and reported to the Supreme Court of India. The families that were affected by the project were given priority, which accounted for the substantial differences between the states.

He then proceeded to provide information on the number of families affected in each state and the progress made in their resettlement. The total number of families affected in Gujarat was 4,600 and land was being made available for their resettlement from government lands and the purchase of private land. Of these families, 4,392 had been allocated agricultural land and 4,331 had been allotted house plots on 116 developed relocation sites. In Maharashtra, of the 3,113 families affected, some 2,114 had stated a preference for rehabilitation in Maharashtra and 999 in Gujarat. So far, of the latter, 662 families had been allocated agricultural land and 639 had been allocated house plots. The number of families affected in Madhya Pradesh was estimated at 33,014, of which 14,124 had preferred to settle in Gujarat. Of the latter, so far 2,652 families had been allocated agricultural land and 2,449 had been allotted house plots. Of the 18,890 families from Madhya Pradesh which wished to remain in this state, some 733 had been allocated house plots. He noted in this respect that for this latter category of families, either only their houses or less than 25 per cent of their agricultural land would be submerged. They would therefore be relocated near the submerged villages at a higher level. Some 2,000 hectares of agricultural land would be allocated to families who were willing to resettle in Madhya Pradesh. In Maharashtra, five resettlement and rehabilitation sites had been established. Civic amenities had been constructed on two of these sites, and were at an advanced state of completion on the remainder. In view of all the above information, he believed that the Committee should have no grounds for concern about the ability of the states in acquiring land to meet the challenges of resettlement.

With regard to the observation by the Committee of Experts that there were other cases in which tribal people were displaced for development purposes, he stated that the Government could provide information on specific cases from the data supplied by the provincial governments. He noted in this context that many of the areas in which mineral resources were mined and other developmental activities undertaken were populated by tribal people. However, the exploitation of natural resources was unavoidable for the economic and industrial development of the country. He emphasized that the rules and regulations that were in force provided adequate compensation for the affected people, including tribal people. Moreover, the Government did not follow any discriminatory policy in addressing the needs and problems of the persons affected. He hoped that he had been able to provide adequate information in response to the observations made by the Committee of Experts.

The Employers' members thanked the Government representative for the comprehensive information that he had provided. They recalled that the Committee had been examining the application of the Convention in India since the mid-1980s and that the most recent discussion of the case had been in 1993. However, at that time the Committee had only covered the question of the application of the Convention in the case of the Sardar Sarovar Dam and Power Project. The points raised by the Committee of Experts now also covered the working conditions of scheduled tribal workers in the ash area of a thermal power station in the state of Gujarat. In its report, the Committee of Experts described the very difficult working conditions of these people, who were mostly of tribal origin. In this context, the Government representative had said that the situation did not come under the authority of the central Government, but of the relevant provincial governments. The information provided by the Government representative had therefore largely been supplied by the provincial governments. He had stated in this respect that these workers were not covered by the normal labour legislation, which meant that, for example, the minimum wage was not complied with. It was clear that the Factories Act did not apply to work carried out in the so-called "ash area". The Committee of Experts had referred to many aspects of the working conditions of workers in this area that were not satisfactory. It was very unclear in practice which labour and social legislation should be applied to these workers. However, since they were all stated to be tribal persons, they clearly came under the special protection provided by the Convention. It was evident that much needed to be done to ensure compliance with the Convention in their regard and that, in view of the split responsibilities in the country in this respect, the central Government would face great difficulties in trying to impose its will to ensure that the inadmissible and inadequate working conditions in question were improved. The Employers' members therefore called upon the Government to provide as much information as possible in a written report on the labour situation of these people and to provide suggestions as to how their situation could be improved.

The Employers' members then referred to the matter discussed by the Committee in 1993, which related to the impact of the construction of a dam and power project and the major resettlement of tribal people caused by the project. The questions that arose concerned the manner in which the persons affected were being resettled, the compensation that was applicable to them and the extent to which these measures were being applied in practice. The Government representative had referred to the establishment of a five-member group to control these matters, as well as the relevant regional bodies. However, the procedures for the compensation and resettlement of the tribal peoples concerned were very complex and the Committee of Experts had noted broad differences in their treatment in the various states concerned. Although the Government representative had explained that the compensation and resettlement measures adopted were linked to the progress made in the project, the very detailed figures provided were difficult to place in context. Nevertheless, the general picture provided was that the compensation measures of all kinds had improved to a certain extent and were in practice higher than the claims granted by a court. Any such improvement was to be welcomed, although it was a matter of concern that substantial differences continued to exist between the measures taken in the various states. The Government should therefore be requested to provide all the relevant information in a comprehensive report containing detailed figures that were placed in the context of the general problem.

The Employers' members emphasized that efforts would be needed to give effect to the commitments undertaken by the country under the terms of the Convention, particularly in view of the large tribal population and the need to resettle many tribal peoples as a result of development and industrialization projects. Although these projects were clearly to the advantage of the country, it was necessary to ensure that the disadvantages of such projects were minimized for the traditionally weakest categories of the population, namely tribal peoples. The Employers' members also noted the inference by the Government representative that such cases of the displacement of tribal people occurred frequently. It was therefore necessary for the Government to keep the ILO informed as precisely as possible of the global situation of tribal populations so that the Committee of Experts, and if appropriate the Conference Committee, could examine whether the treatment of these matters in the country was in conformity with the Convention.

The Workers' members emphasized the magnitude of the case since, according to 1991 data, tribal peoples in India numbered around 68 million. The case related to several issues as regards the application of the Convention in law and practice. However, the matters before the Committee today were just the tip of the iceberg. The Committee of Experts had been monitoring the case for a number of years. On this occasion three main points had been brought to the attention of the Conference Committee. Article 15 of the Convention required ratifying States to adopt special measures for workers belonging to tribal populations, provided that they were not in a position to enjoy the protection guaranteed by law to workers in general. However, the Committee of Experts considered that these workers appeared to be dealt with in accordance with the general labour legislation. The Workers' members questioned this since, according to the information provided by the Government itself, it was quite clear that the workers in question were not being dealt with under the general labour legislation. Indeed, the evidence provided by the Bijli Mazdoor Panchayat trade union concerning the ash area pointed to appalling abuses, including 12-hour days, inhuman working conditions, safety and health problems, pollution by coal, dust and flying ash and the absence of access to the most basic facilities, such as toilets and canteens. The wages of these workers were so low that it was extremely difficult to imagine how they could survive. It was therefore clear that the Government regarded and treated these workers in a different manner to other workers who worked inside the factory gates. The Government representative had stated that, without conceding its legal position, the Gujarat Electricity Board had provided some basic facilities to these workers and that certain action had been taken as a result of labour inspections. Nevertheless, the Workers' members emphasized that the situation constituted a serious violation of Article 15 of the Convention.

The evidence obtained from the Centre of Indian Trade Unions had drawn attention to what was happening to tribal peoples, who were being evicted from areas in which mining, the construction of dams and other development projects were being undertaken. These projects had a direct impact on the peoples affected in terms of agricultural development, health, education and employment. The socio-economic development of tribal peoples fell far behind the national average and, as a result, rehabilitation and resettlement threatened their very survival. Indeed, rather than rehabilitation and resettlement, what was happening was eviction, the word used in the Experts' report. Instead of benefiting from the protection required by the Convention, most of the people affected were being treated in a brutal manner and were ending up homeless and landless. Greater energy and political will was required to deal with these issues.

The Committee of Experts had noted, in particular, huge differences between the progress made in the various states in resettling tribal people. In Gujarat, the resettlement rate was encouraging at 93 per cent. In Maharashtra, it was poor at 42 per cent, while in Madhya Pradesh, it was appalling at only 9 per cent. The fact that something could be done to help them was shown by the developments in Gujarat. However, the Workers' members expressed deep concern that, rather than an exceptional measure, as specified in Article 12 of the Convention, the removal of tribal people and their resettlement seemed to be a matter of routine. They noted from previous reports of the Committee of Experts that the Japanese Ministry of Foreign Affairs had decided in 1990 that it would discontinue financing the project in Sardar Sarovar because of the inadequacy of the resettlement plans for displaced families. In early 1992, the World Bank had published an independent review which had concluded that there had been many problems in the planning and execution of the project, which had particularly affected the people displaced by it. The World Bank had subsequently withdrawn from the project on the advice that it would contravene the Convention. The Workers' members considered that provision for resettlement needed to be made before these people were thrown off their land. They wished to be provided with further information on the levels of compensation that were being provided and how the resettled workers were faring in the long term. They also requested information on the recommendations made by the five-member group, particularly as regards the establishment of grievance and redress machinery and the assistance of voluntary agencies.

The Workers' members referred to the comment by the Committee of Experts that there were other cases in which tribal people were being displaced for development purposes. Further information was required from the Government on this matter, including the criteria used to determine what made the removal of these people necessary as an "exceptional measure" under Article 12 of the Convention. Information should also be provided on the programmes established by the Government to support these peoples during their upheaval, in the transitional phase of resettlement and during rehabilitation. With reference to the comment by the Government representative that the central Government did not possess data on other cases of the removal of tribal peoples, the Workers' members wanted to know why not. They warned that if the Government did not monitor these situations and obtain the relevant evidence, it could not claim to be complying with the requirements of the Convention because it would not have the information to justify this claim.

In conclusion, the Workers' members emphasized that it was the tribal people and the most vulnerable categories of society who often paid the price of economic development. The Government of India had a responsibility to ensure that any removals of tribal people were necessary as an exceptional measure. Assertive and focused action was required by the Government at the national level to protect a precious and irreplaceable part of the international community.

The Workers' member of India referred to the statement by the Government representative that the situation of the workers in the ash area of the power station at Ukai came under the responsibility of the provincial Government. In this respect, he emphasized that when the central Government ratified a Convention, the instrument also applied to the provincial governments. All provincial governments therefore needed to comply with its provisions. He also noted that India had a very high population of tribal people, who were subject to systematic eviction from the land that they occupied. The cases referred to by the Committee of Experts were only symbolic of the many instances in which this occurred. The Government of India needed to pay more attention to the problems of tribal people. In the case of the workers in question, the Gujarat Electricity Board was their principal employer and therefore had a responsibility with regard to contract employees. Unfortunately, the information provided by the Government representative had not been very clear. The ILO would need to look into the details and verify the real situation. In particular, the situation of resettled tribal people was very precarious. They were often removed from fertile land and allocated barren land. Another important consideration was the distance between the dispossessed land and the land which was allocated to the families concerned.

He emphasized that it was the duty of the central Government to monitor the application of the Convention and to collect the necessary information to do so. All too frequently, new development projects, such as mining developments, were located in areas occupied by tribal peoples and resulted in their removal. The Government should review all such projects with great care and should establish a proper monitoring unit to cover the situation of tribal people. Many laws had been adopted in India respecting tribal people. However, very few of them were implemented and the Government needed to make proper efforts to fully implement all the relevant legislation.

The Workers' member of Swaziland stressed that this case raised issues related to human rights, social responsibilities and obligations expected of governments towards tribal populations. The Convention required governments to promote social, economic and cultural development of tribal populations within their territories. Governments were expected to raise their living standards and foster individual dignity as well as advancement of individual usefulness and initiatives. The Convention required that tribal populations enjoyed the protection of national laws.

The Government of India was in serious default of the dictates of the Convention which it ratified in 1958. The tribals, largely women, were forced to work in local dust without protective clothing, sanitation, appropriate food or drink, child-care facilities, and so on. In addition, these workers were poorly paid and put in a state of exploitation. When these conditions were brought to the attention of labour inspectors, deliberate indifference and inaction were displayed. He insisted on the fact that this type of behaviour was a gross violation of the provisions of the Convention and unacceptable discrimination exercised towards tribal populations. Tribal people were displaced and evicted in view of development projects, but they were not adequately relocated. In cases where they were relocated, the land provided was not equivalent in value to the land they had lost through displacement. He concluded by fully concurring with the recommendation of the Worker spokesperson and the Committee of Experts.

The Employers' member of India supported the comments made by the Employer and Workers' members concerning the working conditions in the ash area of the power station at Ukai. There could be no doubt concerning the social responsibility of the central and provincial Governments to ensure that the workers concerned were properly looked after and enjoyed safe working conditions. However, on the question of the time taken to apply legislation including minimum wage provisions, he recalled that India was a democratic country which needed to abide by due process. Moreover, with regard to the time that elapsed in the implementation of development projects, he noted that all the persons involved were entitled to defend their rights and that the legal procedures involved, particularly for the purchase of land, could take years. Such cases could involve considerable hardship for displaced workers and their families, who sometimes had to wait many years to receive their entitlements. The Government therefore needed to develop systems that responded to their needs more rapidly. He added that, although it appeared easy to say that the central Government should take action in many fields related to tribal peoples, the provincial governments were jealous of their powers and were reluctant to give up their rights. Nevertheless, measures needed to be taken throughout the country to improve the standard of living of tribal people. On the question of development projects, he noted that they were often located in rural areas to avoid adversely affecting more densely populated zones. Moreover, in rural areas they had the advantage of giving employment to tribal populations. These projects therefore needed to be considered with a view to the benefits that they brought to all concerned.

The Government representative thanked the Employers' and Workers' members for their contribution to a meaningful discussion. In response to the remarks made concerning the division of responsibility for the application of the Convention between the central and provincial Governments, he noted that in his intervention he had merely provided a summary of the situation under the various provisions of the Indian Constitution and noted that the state governments concerned were the appropriate authorities with regard to the main points raised by the Committee of Experts in this case. He clarified that he did not say that the national Government was not responsible to meet the obligations under Convention No. 107. On the issue of the workers in the ash area of the power station at Ukai, he had clarified in his intervention that it was the company's claim that the area did not constitute part of a factory. He had added that the state Government did not share that view and that the matter was now before the courts.

In general terms, he emphasized that the economic and social backwardness of tribal peoples in his country was the result of their exploitation over several centuries. Much effort had been expended to enable them to catch up with other categories of the population, including the safeguards established in the Indian Constitution. As a result of all these efforts, tribal peoples now benefited from more jobs, economic and social progress and improved education and literacy. However, the 50 years of independence had not been sufficient to make up for the centuries of exploitation.

He noted that the Employers' and Workers' members had called for a determined effort on the part of the Government to fulfil its obligations under Article 15 of the Convention. He reaffirmed his Government's awareness of these obligations and recalled that the provisions of the Indian Constitution and its legislation had been found adequate in this respect. The inadequacy was only in the area of enforcement of the laws. If any of the protection provided were to be found inadequate, an effort would be made, as in the past, to adopt the necessary changes. He stated in this respect that his country was in the process of adopting the necessary legal measures to eliminate problems related to contract labour. In this context, his Government had given its support to the discussion of this subject by the International Labour Conference. Indian laws on contract labour were more stringent and detailed than the provisions of the proposed instrument. Moreover, the courts in India had played an important role in the application of the relevant legislation. In a recent case, the responsibility of the principal employer for labour and social security rights of contract workers had been upheld. The implications of this decision were still being examined and he would be pleased to provide information on this matter to the Committee of Experts.

On the subject of the displacement and relocation of tribal people as a result of development projects, he emphasized that it was necessary to use the country's natural resources for the purposes of development and industry. It just so happened that many tribal people lived in the areas where such resources were to be found. This was the case of many mining and hydroelectric projects. When considering these questions, the Committee should give due consideration to the national context, including the energy shortage and the danger of famine in an agricultural economy that depended on an unreliable monsoon season. The Government was very conscious of the need to avoid injustice and had adopted adequate laws for the compensation of the families affected. With regard to the Sardar Sarovar Dam and Power Project, he reassured the Committee that the resettlement of all the families concerned would be completed before their lands were submerged. He also undertook to provide a very detailed reply to the direct request on this Convention by the Committee of Experts. He reaffirmed the commitment of his Government to the cause of tribal people and its readiness to take any step that was required in law or practice to give effect to the Convention. However, he called on the Committee to place the issue in its proper context and not to adopt an overly legalistic attitude. Finally, he confirmed that he would provide all the information that was required in writing to the Committee of Experts, thereby emphasizing his Government's total commitment to give effect to the Convention in India.

The Committee took note of the detailed information provided by the Government and the discussion which followed. It also noted that indigenous workers were not protected in the manner required under Article 15 of the Convention and asked the Government to supply additional information on efforts made to improve the situation. The Committee observed in particular the advances in the resettlement and rehabilitation of tribal populations displaced as a consequence of the construction of the Sardar Sarovar Dam and that the most recent information communicated by the Government indicated progress in the resettlement of these populations. But the Committee awaited more information, in particular on the rehabilitation of the indigenous populations. The Committee equally noted the Government's assurances that no area would be flooded before the conclusion of the resettlement and compensation, but it shared the Committee of Expert's concern at the lack of information on other cases of displacement of indigenous populations due to development projects, and the conditions under which they took place. The Committee asked the Government to continue to provide detailed information on the progress made in solving this problem, which had been addressed by the Committee for many years.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Iran, Islamic Republic of (ratification: 1964). A Government representative expressed his Government's commitment to international labour standards and his wish for a positive dialogue in the Committee. He pointed out that the Committee of Experts, in paragraph 1 of its observation, had referred to the Government's detailed report as well as to the documentation and statistics supplied. In the course of the last year, the Government had furnished an unprecedented amount of information. This meant that it had made an effort to work with the ILO supervisory bodies and it appeared that this cooperation had enabled the Committee of Experts to be better informed of the realities. While several long-standing issues had been settled, some issues remained pending which could be resolved by further improvement in the Government's reporting or by other necessary cooperation.

Paragraph 2 of the report of the Committee of Experts summarized the discussion in the Conference Committee last year and the replies of the Government and indicated that the Committee looked forward to receiving, in the Government's next report, information concerning contacts made with the Office, with regard to technical cooperation. The Government representative gave an assurance that the next report would definitely contain that information. In fact, such contacts had taken place and had led to concrete technical cooperation, which was quite a new element in the Government's relations with the ILO supervisory bodies: ILO staff at headquarters had had a three-day meeting with members of the Labour and Social Affairs Commission of the Parliament; in April 1997, a tripartite training seminar was held in Teheran with ILO assistance. Both events discussed a number of fundamental ILO Conventions, in particular Convention No. 111. The training was targeted towards those officials responsible for the application of the Convention, including Directors-General and officers of the Ministry of Labour's central and provincial departments, and covered various aspects of the Convention and its application. In the following days, the ILO mission received first-hand information from different parties. It discussed the national mechanisms of implementation of the Labour Code, including the non-discrimination provisions, as well as arbitration mechanisms with the Director-General of Labour and Social Affairs of Greater Teheran, which had the largest industrial concentration in the country and with representatives of workers' and employers' organizations. The mission also spoke with the head of the women's NGO network. Separate meetings took place with women officials supervising projects and activities for the employment and job placement of women and for the enhancement of the economic and social situation of rural women. Finally, the mission also visited two of the largest factories. It could thus be seen that this technical cooperation had generated an extensive dialogue with the ILO supervisory bodies in the course of one year. It was to be hoped that such effective cooperation could be continued.

Referring to paragraph 5 of the Committee of Experts' report, the Government representative pointed out that the Committee of Experts had noted with interest the information on persons of faiths other than Islam gaining access to university education and sitting on Islamic Labour Councils and the existence of the various types of labour organizations. In paragraph 6 of the report, the Committee of Experts welcomed the clarification of a very important issue with regard to a directive, which had been a matter of controversy for several years. A copy of the directive repealing the previous directive was now with the ILO. Paragraphs 7 and 8 had noted with interest some relevant developments. Paragraph 9 of the report referred to a communication received from the International Confederation of Free Trade Unions, which had been forwarded to the Government and which would be considered at the next meeting of the Committee of Experts.

The speaker assured the Committee that his Government would supply a detailed and substantive report to the Committee of Experts. The fact that his Government's detailed report of last year had been duly examined by the Committee of Experts could only encourage further cooperation and dialogue with this body. It was to be hoped that a similar positive dialogue could take place in this Committee.

The Workers' members thanked the Government representative for his brief comments. The Government had provided a detailed report and it was to be hoped that the dialogue with the Committee of Experts and this Committee would be pursued. This case had been discussed for several years, last year, most recently when, following a thorough discussion and considering the fact that the Government was not committed to accept a direct contacts mission, this case had been mentioned in a special paragraph of the report. The Government appeared still not to have accepted such a mission and this would surely have an impact on the type of conclusions to be adopted which might lead the Government to reconsider in the future the possibility of such a mission, even though the Government seemed to prefer technical assistance. The impression remained that the Government was trying to gain time since technical assistance and direct contacts missions have different purposes: direct contacts missions tried to evaluate the real situation as well as the practical impact of the measures mentioned in the Government's report. Detailed reports were necessary but not sufficient. Like technical assistance, they allowed the dialogue to be continued and encouraged mutual understanding. But a detailed report could also veil the real situation. Legal provisions could be repealed by other provisions or by other executory decisions; their impact could be neutralized by an institutionalized parallel power which appeared to have constitutional legitimacy and powerful means of pressure irrespective of the parliamentary majority. The observation of the Committee of Experts was very detailed but most of the information regarding the practical impact of the various measures emanated mainly from the Government itself. Other information, contained in paragraphs 3 and 4 of the observation, shed quite another light on the situation. It was indispensable for the ILO and the Committee of Experts to be able to analyse this information to assess the real situation. A direct contacts mission would be the most appropriate way considering the fact that tripartism which would permit a confrontation of options did not seem to be really operational in the country.

As regards recruitment, the Government implicitly admitted that a priority was granted to those practising the official religion and minimized this fact. The Government acknowledged that this priority applied to teachers who numbered over 1 million and therefore constituted an important part of the workforce. Moreover, Act No. 14928 of 7 June 1996 extended this recruitment priority to the whole of the public service as well as public enterprises and major industrial enterprises. New legislation had extended this criterion even further to certain liberal professions such as membership of the Bar for lawyers. Furthermore, the Government had not replied to the comment of the Committee of Experts on the publication of discriminatory job offers. In the teaching field, the conditions imposed on the schools, which were established by religious minorities, forced them to use leaders belonging to the official religion.

As regards discrimination against minorities, according to certain information, the Baha'is were simply considered as terrorists by those in power in the regime and 200 of them had been executed since 1979 while thousands of others had been imprisoned or dismissed. The United Nations Special Rapporteur who went to the country in December 1995 collected statements from Baha'is who declared that they were victims of discrimination in employment. Other sources revealed the assassination of Christian priests without the Government doing its utmost to find the perpetrators. As regards discrimination on the basis of religion and the Islamic Labour Councils, paragraph 5 of the observation noted the explanation of the Government according to which workers had the choice between three forms of representation: the setting up of trade unions, the election of representatives or the setting up of these Councils. According to the Government's statistics, the majority of workers had opted for these Islamic Labour Councils. But these figures must be viewed in the general legal context and in the framework of labour relations. According to the Labour Code, the Ministry of Labour had the responsibility to set up these Islamic Labour Councils in every enterprise that employed more than 35 workers. Therefore, choice did not exist in these enterprises. In enterprises with less than 35 workers, the choice was not really free since religious or political authorities could designate a representative. It was these Islamic Labour Councils which designated representatives to consultative commissions as well as the delegation to the International Labour Conference. Unless proven wrong by information from the Government, the Committee of Experts could only come to the conclusion that discrimination was institutionalized in the labour relations system.

As regards discrimination on the basis of sex in the judicial system, it was the Committee of Experts' task to analyse the real scope of the amendment to the Act on Appointments to the Judiciary mentioned by the Government. According to available information, women only held advisory and support posts in the judicial system and in the departments for the protection of children, being excluded from the judiciary in the real sense. In more general terms, it was important to urge the Government to provide more detailed information on education and the training of women as well as their active participation in the labour market in its next report, and to provide the relevant statistics.

In conclusion, the real situation had to be clarified as a matter of urgency. The information provided by the Government, as detailed as it was, was not fully convincing. The Committee of Experts still had to undertake an in-depth analysis regarding several provisions and the practice concerning employment. Finally, a direct contacts mission was indispensable to assess the situation. If the Government were to refuse to request such a mission, this case should be mentioned in a special paragraph.

The Employers' members recalled that this case had been the subject of comments by the Committee of Experts for the past 15 years, that it had already been discussed by this Committee ten times before and that it had been mentioned in a special paragraph on six occasions. As always, the Government representative demonstrated a cooperative attitude, but he did not contribute any new information. The reference to technical cooperation was a positive element, but it was questionable whether technical cooperation could replace the sending of a direct contacts mission as suggested by this Committee last year. The essence of the observation of the Committee of Experts was contained in paragraphs 3 and 4 which concerned discrimination based on sex, religion and political opinion. Although the general population of the Islamic Republic of Iran had grown, the average number of women active in the labour market had dropped. The Government seemed to rebut this argument. It was, however, noted that priority in employment was given to persons faithful to the Islamic religion, and that this criterion was applied not only in the ministries, but also in the public sector as a whole, as well as in all parastatal enterprises which represented a particularly large sector in the country. The statistics concerning new university entrants did not in themselves constitute sufficient arguments to refute the Committee of Experts' comments. Furthermore, job advertisements published in newspapers evidenced a consistent practice to give priority to Muslims. As regards the theoretical existence of three forms of worker representation, they were restricted by other provisions and in practice. The Government's response was also insufficient as regards discrimination on the basis of religion against the Baha'is; this had also been noted by the United Nations Special Rapporteur on the Question of Religious Intolerance. A clarification was urgently required. According to the Government, section 1117 of the Civil Code, prohibiting women to work without the permission of their husbands, applied only to Muslims. Yet, as the overwhelming majority of the population was Muslim, this discriminatory provision in fact was applicable to almost everyone. As the Workers' members had pointed out, women were excluded from judicial functions. The Government stressed that the number of women in the active labour force continued to increase, although certain dangerous types of work remained prohibited to them. Bearing in mind the evolution of the notion of dangerous work, greater care had to be taken in order to avoid such protective provisions being used as a pretext for discrimination on the basis of sex. The sending of a direct contacts mission appeared to be the appropriate procedure to evaluate the situation on each of these points. Last year, the Government representative had stated that he was not in a position to commit himself on behalf of his Government in this respect. Today he considered that such a mission was not necessary. The recent elections had brought a new president to office, but it seemed precarious to offer any predictions as regards the political evolution because, contrary to what was the case in parliamentary democracies, in the Islamic Republic of Iran there were supranational authorities whose legitimacy was not derived from public elections. This was not a value judgement but a statement of fact. The conclusions of this Committee should appear in a special paragraph of its report, and the Government should be urged to request a direct contacts mission as soon as possible.

The Workers' member of Spain stated that he was concerned by the content of section 1117 of the Civil Code which permitted a husband to prohibit his wife from taking up employment contrary to the interest of the family, his interests or his reputation. There were legal proceedings which permitted the husband to claim these rights before the courts, which in practice amounted to placing the wife as well as the rest of the family under the guardianship of the husband. As the Employers' members declared, this was institutionalized discrimination, which should be clearly condemned. The Government contradicted itself when it stated that the Iranian Constitution protected the right of all to employment while the Civil Code applied only to those married according to the Islamic tradition. These provisions applied, in fact, to the majority of the Iranians and in the Islamic Republic of Iran there did not seem to be any distinction between religion and the Civil Code. The fact that the Civil Code did not provide for equal treatment created a situation which was contrary to the Convention. He recalled that this case had been discussed for several years in the context of discrimination on the basis of religion against Freemasons, Zoroastrians and the Baha'is. Although the observations of the Committee of Experts mainly concerned the Baha'is, the problems of other minorities suffering discrimination should not be ignored. To conclude, he recommended that the Committee urge the Government to accept a direct contacts mission.

The Workers' member of the Netherlands supported what other Workers' members had stated on the case and indicated that the format of the Committee of Experts' observation posed difficulties for him since normally it took note of the Government's report, analysed the information and reached conclusions accordingly. This year, the Committee of Experts had merely noted the information provided by the Government except in paragraph 6, and mentioned the debate on the case last year in paragraph 2. It was not clear to him whether all the information available had been analysed. Thus the guidance which normally emanated from the Committee of Experts to the Conference Committee was absent. It would have been preferable if the Committee of Experts had specified, on the basis of clear arguments, why the situation was so complex and serious that it warranted a direct contacts mission. He hoped that the Committee of Experts would shed light on this next year. He supported the Workers' proposal regarding the form of the Committee's conclusions.

The Workers' member of Turkey asserted that in the Islamic Republic of Iran there was still systematic discrimination in employment and occupation on the basis of sex, religion and political opinion. For example, discrimination on the basis of sex was based on Islamic law, the Shari'a, under which men were considered to be superior to women in intelligence, in knowledge and in power. He wondered how equality in employment and occupation could prevail in a State based on a religion which considered women to be inferior to men. Moreover this discrimination was reinforced by legislation, including sections 899 to 902, 1122 to 1123, 1133 to 1134, 1169 and 1180 of the Civil Code. With regard to discrimination on the basis of religion, he considered that it could take three distinct forms: first of all, discrimination against officially recognized religions, in legislation but mainly in practice; secondly, discrimination against religions that were not officially recognized, which was the case of the Baha'is; and thirdly, discrimination against Moslems who did not appear to fulfil the requirements of Islam since, under the Government Ordinance dated 13 August 1995, those who had a religion, but who were known not to observe religious standards, had no right to work. He asserted that, unless there was a separation of religion from the State, and unless there was a secular system based on genuine democracy, there was no hope of an end to discrimination in employment and occupation. He wholeheartedly supported the proposal of a special paragraph if a direct contacts mission was not accepted by the Government.

The Workers' member of Greece noted that it was difficult not to mention religion, as the object of the discussion was discrimination on the basis of religion. This was not the first time that this question had been raised and it seemed an easy way out to accuse those who provided information, such as *Amnesty International*, of not being impartial. No country had been able to base their prosperity on the exploitation and discrimination of elements of their population, and history had taught us that all powers which hold on to such practices had been overthrown. A certain progress was discernible, at least as regards the will demonstrated by the Government to pursue a dialogue. But if this only represented an interest by the Government to enhance its international image, this dialogue was useless. If the Government, however, was genuinely prepared to cooperate with the ILO in order to find solutions, it should show its willingness by requesting a direct contacts mission. He supported the common position of the Workers' and Employers' members in this respect, and requested a clear reply to this question from the Government representative.

The Workers' member of the United Kingdom pointed out that the statistics quoted in the Committee of Experts' report indicated that while the population had grown, the average number of women active in the labour market had dropped from 15.94 to 10.73 per 100 men between 1976 and 1991. The observation, quoting data from the Iranian Centre of Statistics in 1994, noted that in industrial enterprises there was an average of only 5.92 women working for every 100 men. Women appeared to be disappearing from public view. She also pointed out that some occupations and jobs were closed to women and wondered how the Government was tackling this situation. The vast majority of women had no right to employment without their husband's permission. Thus it was men, by and large, who determined whether and in what jobs women could be employed. It was not enough to have a means of complaint about this situation, since it was not reasonable to expect women to be able to have access to justice this way. It was the practice itself that should be stopped by firm Government action. Moreover, although the Government representative had indicated that 97 women were currently serving throughout the country in various judicial positions, she wondered whether those women mentioned were active magistrates, judges, advocates or were they administrators? The question was, did women actually dispense justice in the courts? On the issue of women in further and non-traditional education, the figures did not provide enough evidence to make a judgment about whether there had been progress. There was no information about baseline numbers, only percentages. This did not explain very much. However, these specific points could not be looked at without considering the overall context of lives of women in the Islamic Republic of Iran, a tough situation referred to in a report circulated at the 53rd Session of the United Nations Commission on Human Rights (April 1997). In the light of this context where there was institutionalized and systematic segregation, repression and oppression of women, it was very hard to see how the requirements of Convention No. 111 could be respected.

The Workers' member of Italy noted that, while the observations of the Government were detailed, no concrete element was found, neither on the absence of equal opportunities for women, whose work was subordinated to the approval of the husband, and who had to put up with the daily pressure of religious groups, nor on discrimination against Baha'is and other religious minorities in the areas of teaching and access to employment. The principle of religious tolerance, contained in Article 23 of the Iranian Constitution, was violated in practice by a series of discriminatory provisions. The religious criteria for access to employment in the teaching sector had been extended to numerous other sectors and no signs of softening this position had been noted since last year's discussion. However, the acceptance of technical assistance from the ILO, as well as the visit of the United Nations Special Rapporteur to the country, were encouraging signs. Nevertheless, only a well prepared direct contacts mission could really improve the situation.

The Government members of Kuwait and Saudi Arabia stated that, in their opinion, this Committee should not deal with political and religious matters.

The Government representative indicated that a lot of things that had been said in this Committee were a discredit to the ILO, its supervisory bodies and the future discussions on the strengthening of the supervisory system. Many interventions were in fact political statements made against a democratically elected Government, and not factual statements based on the report of the Committee of Experts. He saw no reason to respond to these political statements. Moreover, although many participants had indicated that not enough information or statistics had been provided by the Government, this was not true since it had furnished a report of over 100 pages to the Committee of Experts. It was to be emphasized that a UN report which had been referred to by a previous speaker was not in fact a report of the United Nations. Moreover, the statement about the oppression and repression of women came straight from a paper being distributed in the ILO by a group from a country near the Islamic Republic of Iran. He had hoped for dialogue and had noted that the Committee of Experts had thoroughly examined the last, detailed report. But this Committee's debate included highly political allegations, such as the statements on the lack of tripartism, non-elected posts and the assassination of priests, all of which he strongly denied. Even the allegations on section 11A of the Civil Code did not take account of the text's legal provisions which gave the same right to both husbands and wives to take such a case to the courts; in some other countries this also occurred. He noted that when another speaker challenged the tallying of statistics, it was because that speaker was using data from unreliable sources. It was not true, as intimated by an earlier speaker, that his Government had accepted the visit of a direct contacts mission to the country last year. On the question of such a mission, the report of the Committee of Experts correctly represented the Government's position. It was obvious that, given the tenor of the debate which had just taken place, a direct contacts mission would not be welcomed. In fact, there was a practical reason for this: the new administration would not take office until next month. He concluded that he was proud of his country and his religion, while at the same time respecting all religions.

The Employers' members stated that they were disappointed by the explanations provided by the Government representative, as well as his protest concerning the allusion to issues related to religion. This was not a proper way to conduct the dialogue. At issue here was not a discussion on religious matters, but problems related to the application of a Convention which had been ratified by his country and in which it was provided that religion was grounds for illegal discrimination in employment and occupation. No new information had been provided in response to the Committee of Experts' observations which had been communicated to the Government two months ago. The Government representative had not responded to the proposal concerning a direct contacts mission. The need to urgently send such a mission should once again be stressed, and the importance of this case justified the inclusion of the conclusions in a special paragraph in the report of this Committee.

The Workers' members declared that they were also disappointed by the lack of responses from the Government representative. New information should be provided to the Committee of Experts. In their opinion, there was nothing in the debate which discredited either the reputation of the ILO or that of the supervisory system, as the subject under discussion was a ratified Convention, providing, inter alia, for protection against discrimination based on religion. It was regrettable that the Government representative did not respond to the proposal made last year to request a direct contacts mission. This disappointing and incomprehensible attitude stood in stark contrast to the Government's statements concerning its willingness to have dialogue with the supervisory bodies. It was not enough to send reports but some progress in practice had to be demonstrated. In this context, the sending of a direct contacts mission was needed more than ever. This case should be included in a special paragraph in the report of the Committee.

The Committee took note of the observations that the Committee of Experts had been formulating for several years, the oral information presented by the Government representative as well as the detailed discussion in the Committee. It also took note of the explanations provided by the Government for not heeding the offer of a direct contacts mission, as well as on technical assistance which had been provided in accordance with the priority given by the Government. The Committee noted with concern that in spite of concrete initiatives and time which had elapsed, violations of the provisions of this as well as other Conventions subsisted, and required additional information. The Committee therefore expressed the firm hope that it would be informed of the measures that would be adopted in order to eliminate any form of discrimination in job offers as well as in the criteria applied by the competent authorities to declare certain groups illegal. The Committee notes the statistical information on the employment of religious minorities and women, the information on the constitutional provision according to which it is forbidden to question people about their beliefs and the amendment permitting women to hold certain functions in the judiciary. The Committee expressed the wish that the Government would continue to provide information on progress made until such time as the national legislation and practice were in full conformity with the provisions of the Convention. The Committee strongly urged the Government to accept the direct contacts mission evoked last year, in order to be able to register rapid and noticeable progress. The Committee decided to mention this case in a special paragraph of its report.

Convention No. 118: Equality of Treatment (Social Security), 1962

France (ratification: 1974). A Government representative noted that the Committee of Experts' observation comprised two sections. The first concerned the application of Article 3, paragraph 1, and Article 4, paragraph 1, of the Convention, and referred to the supplementary allowance of the National Solidarity Fund (FNS), the allowance for disabled adults and the invalidity and survivors' benefits. The second referred to all the social security benefits which had not been paid to non-nationals since the adoption of Act No. 93-1027 of 24 August 1993 concerning the supervision of immigration and the conditions for entry, reception or stay of foreigners in France. According to the Committee of Experts, this second point concerned also the correct application of the Migration for Employment Convention (Revised), 1949 (No. 97). The common denominator of these two sections was a discrepancy in the treatment between nationals and foreigners regarding, on the one hand, several benefits due to all foreigners living in France, and, on the other hand, all the benefits due to certain foreigners whose conditions of residence in France had been radically modified by the 1993 Act. As for the application of Article 3, paragraph 1, and more specifically the implementation of section (d) (invalidity benefit), sections L.815-2 and L.815-3 of the Social Security Code determined the conditions for the right to the supplementary allowance of the FNS for nationals, amongst which there was an obligation of residence in French metropolitan Departments or Overseas Departments or territories. He noted that the Parliament had progressively extended the places of residence, therefore giving an entitlement to the allowance to the Overseas Departments in 1961, and then to the overseas territories in 1987. The payment of this allowance to nationals was conditional upon their retaining a place of residence on French territory in conformity with section L.815-11 of the Social Security Code. For foreigners residing in France who wished to obtain this allowance, section L.815-5 stipulated that it was due to foreigners only if international agreements had been agreed upon. The application of this provision engendered several court cases. In 1991 the Supreme Court of Appeal decided that Algerian nationals residing in France could benefit from the FNS allowance under the same conditions as nationals. By six rulings handed down on 17 October 1996, the same Court overruled the interpretation according to which this allowance was due to foreigners only where international agreements of reciprocity had been agreed upon with the State from which these workers came. Although such agreements did not exist in that particular case, the Court based its decision prohibiting discrimination between nationals and foreigners on the cooperation treaties which existed between the State of the worker concerned and the European Community. The Court emphasized that Convention No. 118 was not an obstacle to the implementation of these treaties. Contrary to the Social Security Tribunal of Loire (which was a first-instance jurisdiction under the authority of the Supreme Court of Appeal) which was quoted by the Committee of Experts, the Supreme Court of Appeal did not base itself on the Convention but merely pointed out that it was not incompatible with certain cooperation treaties concluded by the European Community which forbade discrimination in their direct application. In a seventh decision handed down on the same day, the Supreme Court of Appeal applied the same reasoning to the payment to foreigners of the allowance for disabled adults, basing itself solely on European Community law and without mentioning the Convention. Therefore, the Government did not have at its disposal an interpretation from the highest judicial body regarding the scope of the provisions of the Convention concerning the allowance for disabled adults. The comments of the Committee of Experts in respect of the application of Article 4, paragraph 1, branch (d) (invalidity benefit) and branch (f) (survivors' benefit) referred to the residency requirement placed on foreigners in order to receive these benefits. By decision No. 89-269 DC of 22 January 1990, the Constitutional Council ruled that the principle of equality meant that foreigners residing in France would not be deprived of social security payments, so long as they were legal residents in the country prior to receipt of the benefit. Therefore, there was constitutional and court jurisprudence which recognized the principle of equality of treatment between nationals and foreigners with respect to social security benefits and which determined the conditions of their payments which could be included in agreements between the European Community and third countries. This jurisprudence led the Government to wonder whether the Convention was fully applied when such an agreement existed and, if so, whether it was only a form of supplement in view of the direct application of this agreement. This drew attention to the theme often discussed of the link between the standard-setting system of the ILO and that of the European Union.

The second part of the observation concerned the entitlement of social security benefits to foreigners who were not authorized to stay on the national territory since the adoption of the 1993 Act. The loss of right of residency could indeed occur although foreigners had contributed during the period when they were in a regular situation or even after the extinction of their rights. The newly elected Government had called for the repeal of this Act in the coming months. It was difficult to predict the contents of new legal provisions that would replace it but the Government would not fail to examine the real situations arising from the current legislation.

The Workers' members thanked the Government representative for the information provided as well as the additional details concerning the provisions currently applied and the recent jurisprudence. It was essential that this information be now provided in writing to the Office in order for the Committee of Experts to analyse it. In fact, the information provided verbally seemed to raise new questions. The Workers' members attached importance to the application of Conventions on equality of treatment for foreign workers in respect to fundamental rights, working conditions and social security, as had been demonstrated during the discussion on the application of Convention No. 97. Besides, that Convention would be the subject of a General Survey in the near future. The observation of the Committee of Experts noted discrepancies between the legislation and practice with respect to the requirements of Article 3, paragraph 1, and Article 4, paragraph 1, of the Convention. It noted the observations formulated by the French Democratic Confederation of Workers (CFDT) concerning the entitlement of social security benefits to foreigners who were illegal residents of the country, in order to clarify the scope of the Convention on this point by making it clear that foreign workers were entitled to these allowances as soon as they had contributed to social security for the periods in which they were in a regular situation. As regards Article 3, paragraph 1, the Committee of Experts pointed out that for several years the nationals of all States which signed Convention No. 118 were entitled to invalidity allowances. Being a national of a country which had signed a bilateral agreement was a requirement not included in the Convention and therefore constituted a violation of the Convention. In that respect, the Committee of Experts quoted a judicial decision. Regarding the requirement of residence, the Committee of Experts was of the opinion that it went beyond what was provided for in the Convention, which only provided that equality of treatment be guaranteed, without any condition of residence, to the nationals of the country which had ratified the Convention. Therefore, the Government had to reconsider the situation and modify its legislation and practice accordingly.

The Employers' members thanked the Government representative for the information supplied, pointing out, however, that it would have been preferable to have it in writing so that the Committee of Experts could examine it. The complexity of the question made it difficult to comment on the basis of oral statements alone. The question raised was that of the preconditions for the right of a foreigner to receive supplementary benefits: was it sufficient that the State from which this person came had also ratified the Convention, or could France impose a condition of reciprocity? The Committee of Experts had mentioned a court decision where a foreigner had been granted his rights since his country had also ratified the Convention. According to the Government's explanations, a bilateral agreement was necessary, whereas the Committee of Experts was of the opinion that it was sufficient that the two States involved both ratify the Convention. The question of the scope of the obligations under the Convention was thus open. Another point of disagreement between the Government and the Committee of Experts was the residency requirement. A third question concerned persons in irregular situations who, although having paid contributions for many years, would lose their right to benefits in case of non-renewal of their residency permit. The Committee of Experts stressed that the loss of right of residence should not affect rights in the course of acquisition which the insured person can claim for the period of contribution in which he was in a regular situation. Since the Government representative had indicated that the 1993 Act would soon be repealed, it was important that this provision be eliminated rapidly, and that the Government provide full information so that the Committee of Experts would be in a position to assess the new situation and so that this Committee would, if necessary, be able to decide whether to discuss the case again.

The Workers' member of France thanked the Government representative for the detailed information provided. Nevertheless, he recalled that the Convention was an international treaty which should therefore prevail over internal law and that reciprocity agreements of the European Community with third countries could not exclude the application of Convention No. 118. The recent legislation and jurisprudence were contrary to the provisions of the Convention and the Government should submit to Parliament draft legislation in order to bring the law into conformity with the Convention. It was useful to place the problem in its general context. To lure the xenophobic electorate, the legislation relating to the conditions of entry and residency for foreigners had become increasingly restrictive in the last few years for migrant workers and asylum seekers, with the consequence that numerous well-integrated workers had suddenly became illegal workers without social protection. The new Government had just announced new measures to regularize their status, taking into account their family situation and their integration into society as well as a reform of the conditions of entry and residency. But one had to be vigilant, particularly with respect to the application of the legislation regarding Conventions Nos. 97 and 118. The Government should provide rapidly a report in which the compliance with the provisions of the Convention with respect to migrant workers would be demonstrated. In the meantime, French trade unions would make sure that the national policy vis-à-vis migrant workers was in conformity with the tradition of their country as well as international labour standards.

The Workers' member of Pakistan stressed the need to bring the legislation into conformity with Convention No. 118, particularly with regard to migrant workers. These workers contributed enormously to the national economy and therefore deserved the same rights as citizens. He concurred with the Committee of Experts' observation that the loss of residence by a foreigner should not result in the loss of all benefits from contributions paid for numerous years to the social security system. He was happy to know that the new Government elected in France had undertaken to make the necessary changes to the legislation.

The Workers' member of Germany associated himself with the interventions of other Workers' members and stated that the application of Convention No. 118 was very important and that it was justifiable that this Committee discussed it, even though the subject matter appeared to be very technical. In effect, migrant workers needed special protection in order to guarantee equality in social security. The Government representative was to be thanked for his explanations on national legislation and case-law. In this respect, the fact that a further judgment of a Tribunal of the First Instance (Montbéliard, June 1996) referred to the Convention as a basis for its positive ruling guaranteeing the allowance for disabled adults (referred to in the Committee of Experts' observation) should be noted with interest. However, it was not up to workers to take individually legal action before the courts to enforce their rights guaranteed by international Conventions. Thus, the Government should be urged to bring national legislation into conformity with the provisions of the Convention.

The Government representative thanked those who had taken the floor for their comments on this particularly complex legal situation and assured them that their comments would be faithfully transmitted to the authorities. This unusual debate on questions that were rarely raised encouraged further improvement in the dialogue with the Committee of Experts. Written information to this effect would be sent.

The Committee took note of the detailed information supplied by the Government representative and the discussion which had taken place of the questions which had, for many years, been the subject of comments by the Committee of Experts. Nevertheless, the Committee regretted that the Government's report on this Convention for 1996 had not been received. The Committee trusted that the Government would continue the dialogue with the ILO's supervisory bodies so as to find appropriate solutions that would be in full conformity with the Convention both in law and in practice. The Committee stressed the importance of the principle of equality of treatment between nationals and non-nationals in the field of social security. Given the technical complexity of this matter, the Committee trusted that the Government would send in the very near future a detailed report on all the questions raised by the Committee of Experts. The Committee reminded the Government that it could resort, if it so desired, to the technical assistance of the Office.

Convention No. 122: Employment Policy, 1964

Honduras (ratification 1980). A Government representative indicated that a new report had been submitted which contained all the details requested in the observation of the Committee of Experts. The Institute of Vocational Training (INFOP) was active in strengthening the financial and administrative management of the cooperative rural enterprises promoting participation of women; it also sought to coordinate the training of the forestry officials under the Corporation for Forestry Development of Honduras. Her Government was trying to facilitate the integration of young people, members of the ethnic minorities and disabled people into the different training activities. Programmes of enterprise development were oriented towards the creation of micro, small and medium enterprises.

The Government has adopted policies to rationalize the public service by reducing employment in the governmental sector. These measures were required by the conditions to obtain credits imposed by the international financial institutions on the governments of the developing countries. The speaker urged the Committee of Experts to take note of these realities in examining the application of the Convention.

Her Government was also promoting employment in the modern sector of the economy by increasing the production of export goods, particularly in zones of industrial development and through the diversification of agricultural production. Productive employment generated in the export zones amounted to 75,000 jobs. In the export enterprises women workers predominated and it was necessary to increase wages in the export processing zones.

With respect to the consultation of representatives of the sectors involved in the employment policy, the tripartite Council of Social Consultation was created to improve the national economy through consultations with all sectors of the society. The Government requested the Office to better support the development of programmes aimed at increasing the capacity of small and medium enterprises to hire unemployed workers.

The Workers' members made it clear that since this discussion would be the only case concerning the application of Convention No. 122 this year, their comments would only reflect considerations on the application of this important Convention which had been more thoroughly discussed during the general discussion. The Committee of Experts noted in its observation that the Government referred to structural adjustment and foreign debt constraints, to the budgetary situation as well as demographic growth as factors which were influencing its employment policy. The Government stated that despite the measures it had adopted to solve the problem of unemployment, the objective of full employment was still impossible to achieve because of the serious structural problems that the country was experiencing. At the same time, the Government stated that it had adopted measures to reduce public expenditure and encourage foreign investment, particularly in export zones. This purely economic approach where politics only seemed to follow macroeconomic criteria imposed by international financial institutions raised great concerns. Employment and the social situation were only considered in terms of cost or as the consequence of economic growth. On the basis of this logic, economic growth could have some positive effects on employment if these benefits were absorbed by financial markets or profited by a minority. On the other hand, the Convention stipulated that the economy was not a value in itself and that an active social and economic policy should have full employment as its objective. The request of the Committee of Experts for the Government to state clearly the consequences on employment of the various economic measures, including in the export zones, had to be fully supported. It was necessary to know the mechanisms put in place by the Government to ensure the coordination between the policial, economic and social policies. The observation of the Committee of Experts with respect to the conception and implementation of policies and programmes was essential, and the conclusions adopted during the Copenhagen Social Summit relating to the relations between the Bretton Woods institutions, other international institutions for development and the ILO had to be recalled. It would be useful if the Government could benefit from the ILO's technical assistance during its forthcoming negotiations with international financial institutions. Concerning the application of Article 3 of the Convention, the Workers' members stressed the necessity to extend the consensus on the employment policy to all sectors concerned, including the informal sector, and this should be done at all stages of social and economic decision making. It could not be emphasized enough that the obligations of the Convention be at the centre of social and economic policies. As requested by the Committee of Experts supplementary information on the practice, as well as on the intention of the Government regarding this question, should be provided.

The Employers' members were well aware of the economic difficulties encountered in Honduras. It faced significant problems of foreign debt, budgetary deficits and a rapidly growing population. A substantial portion of the workforce were unemployed. A critical condition for reversing the deterioration of employment conditions was to restore higher stable rates of growth. Only high economic growth and financial stability had provided preconditions for sufficiently high rates of growth of productive employment. This would include putting in place appropriate mechanisms, with follow-up, for financing in the informal sector and micro-enterprises in order to facilitate their gradual integration with the formal sector.

The Government had attempted to do this in part, by providing a support programme in the informal sector that had been set-up with ILO technical cooperation. The Government also had a rural development programme. These and other measures were needed to cope with the high rate of labour force growth as well as to reduce the existing pool of unemployed and underemployed. The process of job creation in Honduras would be more successful if its economy was more open and market oriented. Moreover, since success could be achieved where there was a high degree of social consensus, the Government should consult with the social partners as provided for under Article 3 of the Convention. The Government appeared to have draft legislation in this respect. The Employers' members were puzzled by the request from the Committee of Experts for information on the measures associated with the reduction of public expenditure to guarantee employment for those affected. In their view, employment could not be guaranteed and the Convention contained no such requirement. Finally, a greater effort was needed to develop access to education especially at the primary level, rural infrastructure, especially transportation and communication, credit schemes as well as public works programmes. Finally, job growth in export processing zones, as mentioned by the Government representative, was a good strategy for producing jobs.

The Workers' member of Honduras stated that structural adjustment of the economy required the reduction of the state apparatus which had resulted in the loss of employment for many workers. The principal sectors of employment creation, besides the public sector, were enterprises in the agricultural sector and more recently those in the free export zones. The international quotas imposed on the production of bananas and coffee had led to the closure of enterprises and brought great damage to the workers of Honduras. The jobs created in the export zones were not sufficient to compensate for this damage. The Government should deploy more efforts together with the private sector to create new employment and to create conditions to advance the application of the Convention. The speaker raised the possibility of the ILO assisting the Government to establish a tripartite committee to monitor and supervise ratified Conventions. At the same time he expressed his satisfaction with the progress of the tripartite dialogue in Honduras, particularly in the area of human rights. The assistance of the Office was very much appreciated.

The Government representative, referring to the previous interventions, gave an assurance that the recommendations made would be transmitted to her Government which would avail itself of the technical assistance of the Office, where it could be necessary.

The Committee took note of the information provided by the Government representative as well as the declarations made by other speakers during the discussion. It noted that the Government indicated that it had supplied a report to the Office, containing indications in response to the comments of the Committee of Experts, in particular concerning the creation of productive employment and the manner in which account was being taken of the relations between the objectives of the employment policy and other goals of the coordinated political, economic and social policies. The Committee trusted that the representatives of all interested sectors would be consulted fully to ensure that the measures taken by the Government were implemented and oriented towards the fundamental objective of full, productive and freely chosen employment, as required by the Convention. The Committee hoped that the Committee of Experts would examine this new report at its next session in December this year. The Committee took note of the request made by the Government representative that the Office support programmes of strengthening small and medium enterprises and expressed its confidence that this request would be satisfied as soon as possible.

C. DETAILED REPORTS ON RATIFIED CONVENTIONS (STATES MEMBERS)

(Article 22 of the Constitution)

Reports received and not received as at 17 June 1997

The table published in the Report of the Committee of Experts, page 407, should be brought up to date in the following manner:

(Note: the numbers in *bold italics* correspond to first reports due from Governments after ratification)

States Members	Reports received		Reports not received		Grand Total
	Total	Conventions Nos.	Total	Conventions Nos.	
Algeria[2, 3]	14	13, 19, 29, 32, 62, 69, 73, 74, 87, 98, 100, 122, 138, ***144***	0	—	14
Benin[3]	5	13, 29, 33, 87, 100	0	—	5
Burkina Faso[3]	7	13, 19, 29, 33, 87, 100, 129	0	—	7
Cameroon[3]	12	13, 29, 81, 87, 94, 98, 100, 122, 131, 132, 135, 162	5	10, 16, 19, 33, 123	17
Central African Republic[3]	11	10, 13, 19, 33, 62, 87, 98, 99, 100, 117, 118	2	14, 19	13
Chile	21	10, 13, 16, 19, 20, 29, 32, 35, 36, 37, 38, ***42,*** 100, ***103, 115,*** 122, ***136,*** 144, ***156, 159, 162***	0	—	21
Comoros[3]	9	13, 19, 29, 81, 87, 98, 100, 105, 122	4	10, 11, 33, 106	13
Costa Rica	13	16, 29, 87, 95, 100, 102, 113, 122, 129, 134, 138, 145, ***169***	0	—	13
Cyprus[3]	13	16, 19, ***23,*** 29, 87, ***92,*** 100, 102, 122, 123, 128, 152, 162	1	***171***	14
Djibouti	18	10, 11, 13, 14, 16, 19, 24, 29, 33, 53, 55, 69, 73, 87, 100, 122, 123, 125	13	44, 52, 77, 78, 81, 88, 94, 95, 101, 106, 115, 120, 124	31
Ecuador	10	29, 87, 100, 101, 113, 118, 123, 128, 139, 152	2	122, 153	12
Equatorial Guinea[1, 3]	3	14, 100, 138	0	—	3
Ghana	21	1, 8, 11, 14, 16, 19, 22, 23, 29, 45, 87, 90, 92, 100, 105, 106, 107, 108, 111, 115, 148	8	50, 58, 64, 69, 74, 88, 150, 151	29
Hungary	17	10, 13, 16, 19, 29, 87, 100, 122, 123, ***127, 129,*** 139, ***141,*** 145, ***148, 154, 155***	2	***88, 151***	19
Iceland	7	29, 87, 100, 102, 111, 122, 139	0	—	7
Iraq	11	19, 29, 81, 100, 118, 122, 132, 138, 139, 145, 152	2	13, 16	13
Israel	10	19, 29, 53, 87, 100, 102, 118, 122, 134, 138	0	—	10
Jamaica[3]	5	87, 100, 117, 122, 150	3	16, 19, 29	8
Libyan Arab Jamahiriya	4	102, 111, 118, 122	11	14, 29, 52, 53, 81, 89, 100, 121, 128, 130, 138	15
Lithuania[2]	24	***11,*** 14, 19, 24, ***29, 47, 79, 81, 87, 88, 90, 98, 100, 105, 111, 127, 131, 135, 142, 144, 154, 159, 171, 173***	0	—	24
Luxembourg[3]	16	13, 16, 19, 23, 29, 53, 55, 56, 69, 73, 74, 81, 87, 100, 102, 138	0	—	16
Madagascar	10	13, 19, 29, 33, 87, 95, 117, 122, 123, 129	3	100, 111, 118	13
Malawi[3]	3	19, 100, 129	0	—	3
Malta	8	13, 29, 62, 87, 100, 129, 138, 149	4	16, 19, 32, 73	12
Morocco[3]	7	13, 19, 29, 100, 122, 129, 145	0	—	7
Netherlands	22	13, 16, 19, 29, 32, 45, 62, 69, 73, 74, 87, 100, 102, 111, 113, 118, 121, 122, 128, 129, 138, 145	0	—	22
Panama	18	10, 13, 16, 19, 22, 29, 53, 68, 69, 73, 74, 92, 100, 113, 123, 125, 126, ***159***	3	32, 87, 122	21
Papua New Guinea	17	2, 7, 8, 10, 11, 12, 19, 22, 26, 29, 42, 45, 85, 98, 99, 105, 122	0	—	17
Paraguay[3]	12	26, 29, 60, 81, 87, 98, 100, 105, 111, 123, 159, ***169***	1	122	13

States Members	Reports received		Reports not received		Grand Total
	Total	Conventions Nos.	Total	Conventions Nos.	
Philippines[2]	8	***19***, 53, 87, 88, 100, ***118***, 122, ***157***	0	—	8
Sao Tome and Principe[1,2,3]	12	17, 18, 19, 81, ***87***, 88, ***98***, 100, ***106***, 111, ***144***, ***159***	0	—	12
Senegal[3]	12	10, 13, 29, 81, 87, 98, 100, 102, 105, 111, 122, 125	2	19, 33	14
Seychelles[1,3]	9	2, 8, 10, 11, 16, 58, 87, 105, 108	2	29, ***149***	11
Slovenia	16	13, 16, 19, 29, 32, 53, 69, 73, 74, 87, 100, 113, 122, 129, 138, 139	1	102	17
Solomon Islands[1,3]	11	11, 12, 14, 16, 19, 26, 29, 45, 81, 94, 95	3	8, 42, 108	14
Sri Lanka[3]	7	10, 16, 29, 100, ***110***, 135, ***144***	0	—	7
Sweden	17	13, 19, 29, 87, 100, 102, 118, 121, 122, 128, 129, 138, 139, 145, 152, 157, 170	4	16, 73, 134, 164	21
Tajikistan[2]	15	16, 29, 32, 69, 73, 87, 98, 100, 113, 122, ***133***, 134, 138, ***147***, ***160***	0	—	15
Tanzania, United Republic of	6	16, 19, 29, 59, 94, 105	3	88, 134, 152	9
Trinidad and Tobago	6	16, 19, 29, 87, 105, 125	0	—	6
Tunisie[3]	14	13, 16, 19, 29, 62, 73, 87, 100, 113, 114, 118, 122, 123, 142	0	—	14
Zimbabwe	3	19, 100, 129	0	—	3
Grand total	**1413**		**393**		**1806**

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[1] These data modify the indications concerning this country, contained in paragraph 102 of Part One (General Report) of the Report of the Committee of Experts.

[2] These data modify the indications concerning this country, contained in paragraph 109 of Part One (General Report) of the Report of the Committee of Experts.

[3] These data modify the indications concerning this country, contained in paragraph 113 of Part One (General Report) of the Report of the Committee of Experts.

D. STATISTICAL TABLE OF REPORTS ON RATIFIED CONVENTIONS

(Article 22 of the Constitution)

(17 June 1997)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	—	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134[1]	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1026	212	20.6	840	81.8	917	89.3
1953-1954	1175	268	22.8	1077	91.7	1119	95.2
1954-1955	1234	283	22.9	1063	86.1	1170	94.8
1955-1956	1333	332	24.9	1234	92.5	1283	96.2
1956-1957	1418	210	14.7	1295	91.3	1349	95.1
1957-1958	1558	340	21.8	1484	95.2	1509	96.8
1958-1959	995[2]	200	20.4	864	86.8	902	90.6
1958-1960	1100	256	23.2	838	76.1	963	87.4
1959-1961	1362	243	18.1	1090	80.0	1142	83.8
1960-1962	1309	200	15.5	1059	80.9	1121	85.6
1961-1963	1624	280	17.2	1314	80.9	1430	88.0
1962-1964	1495	213	14.2	1268	84.8	1356	90.7
1963-1965	1700	282	16.6	1444	84.9	1527	89.8
1964-1966	1562	245	16.3	1330	85.1	1395	89.3
1965-1967	1883	323	17.4	1551	84.5	1643	89.6
1966-1968	1647	281	17.1	1409	85.5	1470	89.1
1967-1969	1821	249	13.4	1501	82.4	1601	87.9
1968-1970	1894	360	18.9	1463	77.0	1549	81.6
1969-1971	1992	237	11.8	1504	75.5	1707	85.6
1970-1972	2025	297	14.6	1572	77.6	1753	86.5
1971-1973	2048	300	14.6	1521	74.3	1691	82.5
1972-1974	2189	370	16.5	1854	84.6	1958	89.4
1973-1975	2034	301	14.8	1663	81.7	1764	86.7
1974-1976	2200	292	13.2	1831	83.0	1914	87.0
-1977[3]	1529	215	14.0	1120	73.2	1328	87.0
-1978	1701	251	14.7	1289	75.7	1391	81.7
-1979	1593	234	14.7	1270	79.8	1376	86.4
-1980	1581	168	10.6	1302	82.2	1437	90.8
-1981	1543	127	8.1	1210	78.4	1340	86.7
-1982	1695	332	19.4	1382	81.4	1493	88.0
-1983	1737	236	13.5	1388	79.9	1558	89.6
-1984	1669	189	11.3	1286	77.0	1412	84.6
-1985	1666	189	11.3	1312	78.7	1471	88.2
-1986	1752	207	11.8	1388	79.2	1529	87.3
-1987	1793	171	9.5	1408	78.4	1542	86.0
-1988	1638	149	9.0	1230	75.9	1383	84.4
-1989	1719	196	11.4	1260	73.0	1409	81.9
-1990	1958	192	9.8	1409	71.9	1639	83.7
-1991	2010	271	13.4	1411	69.9	1544	76.8
-1992	1824	313	17.1	1194	65.4	1384	75.8
-1993	1906	471	24.7	1233	64.6	1473	77.2
-1994	2290	370	16.1	1573	68.7	1879	82.0
-1995[4]	1252	479	38.2	824	65.8	988	78.9
-1996	1806	362	20.5	1145	63.3	1413	78.2

[1] First year for which this figure is available. [2] As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions. [3] As a result of a decision by the Governing Body (November 1976), detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals. [4] As a result of a decision by the Governing Body (November 1993), detailed reports were exceptionally requested in 1995 on only five ratified Conventions.

II. OBSERVATIONS AND INFORMATION CONCERNING THE APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (ARTICLES 22 AND 35 OF THE CONSTITUTION)

A. Information concerning Certain Territories

Written information received up to the end of the meeting of the Committee on the Application of Standards[1]

Netherlands: Netherlands Antilles. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

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[1] The list of reports received can be found in Part IIB of the report.

B. DETAILED REPORTS ON RATIFIED CONVENTIONS (NON-METROPOLITAN TERRITORIES)

(Articles 22 and 35 of the Constitution)

Reports received and not received as at 17 June 1997

The table published in the Report of the Committee of Experts, page 419, should be brought up to date in the following manner:

Countries and Territories	Reports received		Reports not received		Grand Total
	Total	Conventions Nos.	Total	Conventions Nos.	
		Netherlands			
Netherlands Antilles[1]	9	10, 29, 33, 69, 74, 87, 106, 118, 122	0	—	9
Total	9		29		38
Grand total	**262**		**76**		**338**

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[1] These data modify the indications concerning this country, contained in paragraph 113 of Part One (General Report) of the Report of the Committee of Experts.

III. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE (ARTICLE 19 OF THE CONSTITUTION)

Observations and Information

(a) Failure to submit

The Employers' members regretted that 14 Governments had not supplied information on the submission of Conventions and Recommendations to the competent authorities. These were countries which had not complied with this constitutional obligation for the last seven years; the complete list would include many more countries. The importance of the obligation to submit was very clear: it was the first of the obligations which permitted to inform public opinion about the instruments adopted by the Conference. There was no consequent obligation to ratify the Conventions nor to adopt any national legislation. Submission enabled information on ILO activities to be properly disseminated. Member States should be urged to comply with this constitutional obligation.

The Workers' members associated themselves with the statement made by the Employers' members. The situation with respect to the obligation to submit had to be improved, and the explanations contained in paragraphs 133 and 134 of the General Report of the Committee of Experts concerning the submission procedure should guide member States in complying with this important obligation.

A Government representative of Guatemala, the Minister of Labour and Social Welfare, acknowledged non-compliance with this obligation due to the numerous institutional and personnel changes in his country during recent years. The situation could be improved with the technical assistance of the Office.

A Government representative of Madagascar recalled that at the previous session of the Committee, his Government promised to comply with the ILO obligations. Various Conventions had been submitted for consideration: the Employment Service Convention, 1948 (No. 88), the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), the Migration for Employment (Revised) Convention, 1949 (No. 97), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173). Apart from Convention No. 97, all of the above-mentioned instruments had been ratified and in the near future the ILO's Director-General would be asked to register these ratifications. This showed the positive measures that the Government was adopting in relation to international labour standards.

A Government representative of the Seychelles stated that the failure of his Government to comply with the obligation to submit was due to the lack of sufficiently trained personnel. Priority was given to providing replies to the comments of the Committee of Experts and of other supervisory bodies. New personnel hired recently who had received training in the ILO Turin Centre could now attend to eliminating the delays accumulated. The speaker asked the Committee to be sensitive to the difficulties explained.

A Government representative of the United Republic of Tanzania indicated that it was necessary to collect additional information of a technical and practical nature to prepare the submission of Conventions and Recommendations to Parliament. The Ministry of Labour benefited from the advisory mission carried out by the standards specialist who had provided the necessary information. Given that the present session of Parliament was dedicated to budget questions, he hoped that at the next parliamentary session starting in October 1997 the submission obligation would be carried out.

The Employers' members regretted that of the 14 countries invited by the Committee to participate in this discussion, only a few had done so. The information provided should be duly taken into account, but it did not explain all of the existing problems. It was important that the international labour standards followed, at the national level, the procedure outlined by the Constitution of the ILO. The cases discussed should be mentioned specifically in the appropriate parts of the General Report of the Committee.

The Workers' members supported the above declaration. They noted that of the four Government representatives who took the floor, three had also appeared during the discussion of the automatic cases at the previous session of the Conference. Where real difficulties were involved, the Employers' members suggested that these countries could resort to the technical assistance of the Office to overcome some of them.

The Committee took due note of the various information and explanations provided by the Government representatives. The Committee also took due note of the specific difficulties encountered in meeting the submission obligation, mentioned by those Government representatives who took the floor. The Committee further took note of the commitment made by a number of governments with respect to meeting their constitutional obligations to submit, as quickly as possible, the Conventions and Recommendations to the competent authorities. The Committee expressed the hope that the countries mentioned, that is Cameroon, Ecuador, Guinea, Haiti, Madagascar, Saint Lucia, Seychelles, Sierra Leone, Solomon Islands, Syrian Arab Republic, United Republic of Tanzania, and Yemen would, in the near future, submit a report containing information regarding the submission of Conventions and Recommendations to the competent authorities. The delay or failure to submit and the accumulated delays in a series of cases was still of greater concern to the Committee in as much as this was an essential constitutional obligation for the proper functioning of the ILO's standards system. In this context, the Committee recalled the possibility of requesting technical assistance of the Office to help countries concerned in meeting their obligations. The Committee decided to mention all of the aforementioned cases in the appropriate section of its General Report.

(b) Information received

Antigua and Barbuda. Since the meeting of the Committee of Experts, the Government has supplied information on submission to the competent authorities of Conventions and Recommendations adopted between the 69th (1983) Session of the International Labour Conference, and its 81st (1994) Session.

Central African Republic. Since the meeting of the Committee of Experts, the Government has sent information on submission to the competent authorities of Conventions and Recommendations adopted during the 75th (1988), 76th (1989), 77th (1990), 78th (1991), 79th (1992), 80th (1993), 81st (1994) and 83rd (1996) Sessions of the International Labour Conference.

Congo. Since the meeting of the Committee of Experts, the Government has supplied information on submission to the competent authorities of Conventions adopted during the 60th (1975), 61st (1976), 63rd (1977), 67th [(1981) (Convention No. 156)], 68th (1982), 71st (1985), 75th (1988) and 76th (1989) Sessions of the International Labour Conference.

Democratic Republic of the Congo. Since the meeting of the Committee of Experts, the Government has supplied information on submission to the competent authorities of Conventions and Recommendations adopted between the 70th (1984) Session of the International Labour Conference and its 82nd (1995) Session.

Djibouti. Since the meeting of the Committee of Experts, the Government has supplied information on submission to the competent authorities of Conventions and Recommendations adopted during the 83rd (1996) Session of the International Labour Conference.

Hungary. Since the meeting of the Committeeof Experts, the Government has sent information on submission to the competent authorities of Conventions and Recommendations adopted between the 76th (1989) and the 83rd (1996) Sessions of the International Labour Conference.

Libyan Arab Jamahiriya. Since the meeting of the Committee of Experts, the Government has sent information on submission to the competent authorities of Conventions and Recommendations adopted between the 74th (1987) and the 82nd (1995) Sessions of the International Labour Conference. The Government will supply information in this respect, as soon as possible.

Papua New Guinea. Since the meeting of the Committee of Experts, the Government has sent information on the initial stage of submission to the competent authorities of Conventions and Recommendations adopted between the 66th (1980) and the 84th (1996) Sessions of the International labour Conference. According to the Government, the results will be communicated as soon as they are available.

Paraguay. Since the meeting of the Committee of Experts, the Government has sent information on submission to the competent authorities of Conventions and Recommendations adopted during the 68th (1982), 69th [(1983) Recommendation No. 167)], 70th (1984), 71st (1985), 72nd (1986), 74th (1987), 75th (1988), 76th (1989), 77th (1990), 78th (1991), 79th (1992), 80th (1993) and 81st (1994) Sessions of the International Labour Conference.

IV. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

Reports on Convention No. 150 and Recommendation No. 158 as at 17 June 1997

(Article 19 of the Constitution)

In addition to the reports listed in Appendix III on page 96 of the Report of the Committee of Experts (Report III, Part 1B), a report has been received from the:

United Republic of Tanzania.

INDEX BY COUNTRIES TO OBSERVATIONS AND INFORMATION CONTAINED IN THE REPORT

Afghanistan:

Part One, General Report, paras. 176, 179.
Part Two, I A(d).

Algeria:

Part Two, I A(e).

Antigua and Barbuda:

Part Two, III(b).

Armenia:

Part One, General Report, paras. 154, 155, 180.
Part Two, I A(a) and (b).

Bangladesh:

Part Two, I B, No. 87.

Barbados:

Part One, General Report, paras. 157, 158.
Part Two, I A(c).

Belarus:

Part Two, I B, No. 87.

Benin:

Part Two, I A(e).

Bolivia:

Part One, General Report, paras. 154, 157, 179.
Part Two, I A(a) and (c).
Part Two, I B, No. 87.

Bosnia and Herzegovina:

Part One, General Report, paras. 154, 158.
Part Two, I A(a).

Brazil:

Part Two, I B, No. 29.

Burkina Faso:

Part Two, I A(e).

Burundi:

Part One, General Report, paras. 154, 155, 157, 179.
Part Two, I A(a), (b) and (c).

Cameroon:

Part One, General Report, paras. 152, 179.
Part Two, I A(e).
Part Two, III(a).

Central African Republic:

Part Two, I A(e).
Part Two, III(b).

Colombia:

Part Two, I B, No. 87.

Comoros:

Part Two, I A(e).

Congo:

Part Two, III(b).

Democratic Republic of the Congo:

Part Two, III(b).

Costa Rica:

Part Two, I B, No. 87.

Cyprus:

Part Two, I A(e).

Czech Republic:

Part One, General Report, paras. 157, 158.
Part Two, I A(c).

Denmark:

Part One, General Report, paras. 157, 158.
Part Two, I A(c).

Djibouti:

Part One, General Report, paras. 157, 158, 176.
Part Two, I A(c) and (d).
Part Two, III(b).

Ecuador:

Part One, General Report, paras. 152, 179.
Part Two, III(a).

Equatorial Guinea:

Part Two, I A(e).

Estonia:

Part One, General Report, paras. 157, 179.
Part Two, I A(c) and (e).

France:

Part One, General Report, paras. 157, 158.
Part Two, I A(c).
Part Two, I B, No. 118.

Grenada:

Part One, General Report, paras. 157, 180.
Part Two, I A(c).

Guatemala:

Part One, General Report, paras. 152, 158, 176.
Part Two, I A(d).
Part Two, I B, No. 87.

Guinea:

Part One, General Report, paras. 152, 157, 179.
Part Two, I A(c).
Part Two, III(a).

Guinea-Bissau:

Part One, General Report, paras. 157, 179.
Part Two, I A(c).

Haiti:

Part One, General Report, paras. 152, 176, 179.
Part Two, I A(d).
Part Two, III(a).

Honduras:

Part Two, I B, No. 122.

Hungary:

Part Two, III(b).

India:

Part Two, I B, No. 107.

Indonesia:
Part Two, I B, No. 98.

Islamic Republic of Iran:
Part One, General Report, paras. 157, 166, 179.
Part Two, I A(c).
Part Two, I B, No. 111.

Iraq:
Part One, General Report, paras. 157, 179.
Part Two, I A(c).

Jamaica:
Part One, General Report, paras. 158, 176.
Part Two, I A(d) and (e).

Kyrgyzstan:
Part One, General Report, paras. 155, 157, 179.
Part Two, I A(b) and (c).

Lao People's Democratic Republic:
Part One, General Report, paras. 157, 158.
Part Two, I A(c).

Latvia:
Part One, General Report, paras. 155, 157, 180.
Part Two, I A(b) and (c).

Lesotho:
Part One, General Report, paras. 158, 176.
Part Two, I A(d).

Liberia:
Part One, General Report, paras. 154, 155, 157, 176, 180.
Part Two, I A(a), (b), (c) and (d).

Libyan Arab Jamahiriya:
Part One, General Report, paras. 157, 158, 176.
Part Two, I A(c) and (d).
Part Two, III(b).

Lithuania:
Part Two, I A(b) and (e).

Luxembourg:
Part Two, I A(e).

Madagascar:
Part One, General Report, paras. 152, 158.
Part Two, III(a).

Malawi:
Part Two, I A(e).

Malaysia:
Part Two, I B, No. 97.

Mauritania:
Part One, General Report, paras. 158, 176.
Part Two, I A(d).

Republic of Moldova:
Part One, General Report, paras. 155, 179.
Part Two, I A(b).

Morocco:
Part One, General Report, para. 167.
Part Two, I A(e).
Part Two, I B, No. 98.

Mozambique:
Part One, General Report, paras. 157, 179.
Part Two, I A(c).

Myanmar:
Part One, General Report, paras. 157, 158, 168, 173.
Part Two, I A(c).
Part Two, I B, No. 87.

Nepal:
Part One, General Report, paras. 176, 179.
Part Two, I A(d).
Part Two, I B, No. 100.

Netherlands:
Part One, General Report, paras. 154, 157, 158.
Part Two, I A(a) and (c).
Part Two, II A.

New Zealand:
Part Two, I B, No. 17.

Nigeria:
Part One, General Report, paras. 155, 169, 173, 176, 179.
Part Two, I A(b) and (d).
Part Two, I B, No. 87.

Pakistan:
Part Two, I B, No. 29.

Papua New Guinea:
Part One, General Report, paras. 158, 176.
Part Two, I A(d).
Part Two, III(b).

Paraguay:
Part One, General Report, paras. 158, 176.
Part Two, I A(d) and (e).
Part Two, III(b).

Peru:
Part Two, I B, No. 102.

Philippines:
Part Two, I A(e).

Rwanda:
Part One, General Report, paras. 157, 158.
Part Two, I A(c).

Saint Lucia:
Part One, General Report, paras. 152, 154, 157, 176, 180.
Part Two, I A(a), (c) and (d).
Part Two, III(a).

Sao Tome and Principe:
Part Two, I A(e).

Senegal:
Part Two, I A(e).

Seychelles:
Part One, General Report, paras. 152, 155, 158.
Part Two, I A(b) and (c).
Part Two, III(a).

Sierra Leone:
Part One, General Report, paras. 152, 154, 157, 180.
Part Two, I A(a) and (c).
Part Two, III(a).

Solomon Islands:
Part One, General Report, paras. 152, 176, 180.
Part Two, I A(d) and (e).
Part Two, III(a).

Somalia:
Part One, General Report, paras. 154, 157, 180.
Part Two, I A(a), (c) and (d).

Sri Lanka:
Part Two, I A(e).
Part Two, I B, No. 81.

Sudan:
Part One, General Report, paras. 170, 173.
Part Two, I B, No. 29.

Swaziland:
Part One, General Report, paras. 157, 158, 171.
Part Two, I A(c).
Part Two, I B, No. 87.

Syrian Arab Republic:
Part One, General Report, paras. 152, 179.
Part Two, III(a).

United Republic of Tanzania:
Part One, General Report, paras. 152, 157, 158.
Part Two, I A(c).
Part Two, III(a).

Trinidad and Tobago:
Part One, General Report, paras. 158, 176.
Part Two, I A(d).

Tunisia:
Part Two, I A(e).

Turkey:
Part Two, I B, No. 87.

Ukraine:
Part Two, I B, No. 95.

United Kingdom:
Part One, General Report, para. 164.
Part Two, I B, No. 87.

Venezuela:
Part Two, I B, No. 87.

Yemen:
Part One, General Report, paras. 152, 155, 157, 176, 179.
Part Two, I A(b), (c) and (d).
Part Two, III(a).

Best copy available

No. 19 – Thursday, 19 June 1997

PRINTED IN SWITZERLAND

International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

3

Second item on the agenda: Programme and budget proposals and other financial questions

Programme and Budget proposals for 1998-99: Supplementary information submitted to the Conference in pursuance of the decision of the Governing Body in March 1997

1. In concluding its discussions of the Programme and Budget proposals for 1998-99, the Governing Body decided, without prejudice to these proposals, to request the Director-General:

(a) to provide a covering document for the Programme and Budget for 1998-99 to the International Labour Conference that would pull together information from the Programme and Budget proposals for 1998-99, the introductory presentation by the Director-General to the Governing Body, the information presented in GB.268/PFA/6/S2, and the replies by the senior management during the PFAC deliberations, in order to provide ILO participants with a cohesive overview of the strategic strategies with the supporting activities and resources.

(b) ...

Subparagraph (b) in the decision of the Governing Body concerns the practice to be followed in future biennia, beginning with the Programme and Budget proposals for the biennium 2000-01.

2. In accordance with this decision of the Governing Body, this *Provisional Record* contains the following parts:

- Part I: Programme and Budget proposals for 1998-99 — Presentation by the Director-General of the proposals (GB.268/PFA/6/2).
- Part II: Programme and Budget proposals for 1998-99 — Supplementary information requested by the IMEC group (GB.268/PFA/6/S2).
- Part III: Summary of the replies of members of the ILO's senior management team to points raised in the discussion in the GB/PFAC in March 1997.
- Part IV: Revised graphs and tables reflecting the decisions of the Governing Body in March 1997 concerning resource levels.

Part I

Programme and Budget proposals for 1998-99 — Presentation by the Director-General of the proposals

(GB.268/PFA/6/2)

INTERNATIONAL LABOUR OFFICE

Governing Body

GB.268/PFA/6/2
268th Session

Geneva, March 1997

Programme, Financial and Administrative Committee

PFA

SIXTH ITEM ON THE AGENDA

Programme and Budget proposals for 1998-99

Presentation by the Director-General of the proposals

1. The Programme and Budget proposals for 1998-99 are intended to accurately reflect the strategy established by the Organization in the last few years and, in particular, the suggestions made in the Governing Body in the course of the budgetary process launched in March last year.

2. The permanent objectives of the ILO have been confirmed and refined since 1994. The Organization must be:

- a centre of excellence and reference in the field of employment and labour, whose work is regarded as authoritative at the international level. The Office must be able to identify and analyse the changes that are taking place. In order to do so it must be a place where practitioners and researchers meet and exchange views;
- the focus for the elaboration, implementation and supervision of workers' rights. The emphasis must be on respect for the fundamental rights of workers in the globalized economy and the overall improvement of ILO standard-setting activities so that the relevant instruments may be rapidly ratified by the greatest possible number of member States and amended as the situations evolve, and so that their application may be supervised effectively;
- an Organization offering services to all its constituents and member States. This means paying special attention to the rapid changes faced by its constituents, and to the challenge of dwindling resources and widespread competition in the field of international aid.

3. The Governing Body has also confirmed that it will pursue the strategic approach developed since 1992, in order to respond to the major challenges raised by political upheavals and the globalization of the world economy.

4. The first of these is to promote the advance of democracy in all member States, in particular those which have also embarked on the transition towards a market economy. The second is to provide support and assistance to member States and constituents in the fight against poverty, which constitutes a real affront to human dignity in many countries. The third concerns the protection of workers, including vulnerable categories such as women, children and migrant workers, in line with the ILO's primordial objective of improving conditions of work and life.

5. In order to achieve these objectives, the Organization will have to meet four major challenges during the 1998-99 biennium. These are:

— the renewal of its standard-setting activity;

— the fight against child labour;

— follow-up to the World Summit for Social Development in Copenhagen;

— follow-up to the Fourth World Conference on Women in Beijing.

6. The renewal of the ILO's standard-setting work will be a major focus of attention in the biennium 1998-99. This renewal process will be inspired by the conclusions to be reached by the Governing Body and the discussions that will take place in the Conference in 1997. The promotion of the ratification of the fundamental Conventions, the strengthening of the supervisory machinery and the adoption of a new instrument in the fight against child labour will be the key components of an overall strategy to improve the credibility and visibility of the Organization's standard-setting activity.

7. The second major challenge concerns child labour. The work being done by the Office in terms of research and development and the action taken by the IPEC Programme, backed by the will of decision-makers in government and employers' and workers' organizations, will be continued and expanded. Due account will be taken of the conclusions of the Amsterdam, Cartagena and Oslo meetings. (See figure 1.)

8. The third major challenge facing our Organization today, as it certainly will throughout the coming biennium, concerns the follow-up to the World Summit for Social Development in Copenhagen. This Summit revealed a high level of confidence in the Organization. The Office is already following up on the Copenhagen Summit through concrete action at the national level. In the coming biennium it will continue to provide assistance to its constituents in member States in the field of employment policy. Closer coordination will be called for between the different international organizations. In addition, a new International Small Enterprise Programme will be launched. (See figure 2.)

9. The fourth challenge of the coming biennium will be the follow-up to the World Conference in Beijing. An International Programme on More and Better Jobs for Women has been developed and will be launched during the next biennium. The ILO will also step up its activities in this area in response to requests from its constituents in various member States. (See figure 3.)

10. The increase in resources that are proposed to be allocated under the ordinary budget in the coming biennium to headquarters departments for child labour represents over 170 per cent; for employment strategies, over 46 per cent; and for activities for women, over 45 per cent. The work being done in these areas by regional departments and with extra-budgetary resources also accounts for a considerable increase in the resources available.

11. Lastly, several innovations are proposed for the biennium 1998-99. A total of 16 new action programmes are envisaged, taking account of the preferences expressed by the Governing Body in November. In addition, a Global Programme on Occupational Safety, Health and Environment will be implemented. A particular effort is also envisaged in the area of industrial relations.

12. Another innovation is the proposal to convene an ILO Social Forum as part of the strategy of promoting respect for fundamental workers' rights, as well as tripartism and dialogue among the social partners. The International Consultative Meeting concerning Follow-up to the World Social Summit is another new initiative that should be one of the highlights of the coming biennium, since it will provide an opportunity to review the results achieved at the national policy level.

13. Taking into account the views expressed by the Governing Body and the Conference in recent years, the distribution of resources by major sector of activity is proposed as follows:

Distribution of resources by sector of activity for the biennium 1998-99

	1996-97		1998-99		Difference	
	Programme and budget	% of total budget	Proposals	% of total budget	US dollars	%
Policy-making bodies	92 493 834	15.96	81 101 988	14.54	-11 391 846	-12.32
General management	9 488 450	1.64	9 488 450	1.70	0	0.00
Technical programmes at headquarters	177 588 612	30.65	173 760 477	31.15	-3 828 135	-21.6
Regional services	145 623 827	25.13	147 368 292	26.42	1 744 465	1.20
Substantive and operational programmes	323 212 439	55.77	321 128 769	57.57	-2 083 670	-0.64
Service and support activities	132 145 378	22.80	125 959 801	22.58	-6 185 577	-4.68
Various	22 159 899	3.82	20 116 042	3.61	-2 043 857	-9.22
Total	**579 500 000**		**557 795 050**		**-21 704 950**	**-3.75**

14. Over several biennia the budget share for the regions has been consistently increasing and the next biennium will be no exception. Their share in the ordinary budget rose by 1.78 per cent in real terms in 1996-97 in comparison to 1994-95 and the proposals for 1998-99 imply an increase of 1.20 per cent in real terms, in comparison to the biennium 1996-97. In contrast to the regional services which will enjoy increased resources, the other major sectors will see their resources reduced, some of them considerably, including policy-making bodies and service and support activities. The substantive and operational programmes will also have an increased share of the budget in comparison to 1996-97. It should be borne in mind that the Programme and Budget proposals for 1998-99 are 21,700,000 dollars lower than the budget approved for 1996-97.

15. Many of you have requested information on the way the programme and budget proposals are structured in relation to the Organization's major objectives as outlined above. The allocation of the resources proposed for the main technical programmes at headquarters and for those in the regions, based on these major objectives, means a choice must be made as to which programme corresponds to which major objective. While these choices were made with objectivity, they cannot be regarded as scientific. The aim of promoting employment and combating poverty represents 41 per cent of the ordinary budget resources allocated to the substantive and operational programmes. Almost 32 per cent of resources are allocated to the support of democracy and workers' rights. Lastly, proposals earmarked for the protection of workers represent almost 27 per cent of the total. (See figure 4.)

16. Examining the proposals for the regular budget and the expected extra-budgetary resources together allows a comparison to be made of the total resources for the pursuit of each of these major objectives. The principal portion of the extra-budgetary resources — 63.5 per cent — is allocated to activities in support of the major objective of employment and combating poverty. Support to democracy receives just under 9.5 per cent of extra-budgetary resources, while the major objective of worker protection receives a comparable percentage of extra-budgetary and ordinary budget resources. This comparison gives rise to a variety of interpretations. I will simply recall that extra-budgetary resources are used primarily for problems which the constituents in member States consider to be priority issues, and that they also reflect the preferences of donors in allocating resources. I will refrain from commenting on these comparisons which, I repeat, serve essentially as a broad indication, except to say that it appears legitimate for the Office to allocate almost 32 per cent of its ordinary budget resources from the sector of substantive and operational programmes to the objective of support to democracy and the respect of fundamental workers' rights, since these issues are truly at the heart of its mandate and a considerably lower proportion of extra-budgetary resources are allocated to this objective. (See figure 5.)

17. Movements in the dollar exchange rate led me to propose reductions in expenditure for 1996-97, some of which were taken up by the Governing Body in November 1995. I also committed myself at that time to ensure that an equivalent level of reductions would be found in my Programme and Budget proposals for 1998-99. (See figure 6.)

18. My proposals constitute a reduction of 3.75 per cent in programme terms in comparison to the 1996-97 Programme and Budget. Even allowing for adjustments to take inflation into account, the level of these proposals is even lower than in 1996-97. In other words, we are not only in a situation of negative real growth, but also in one of negative nominal growth at a constant rate of exchange. The Organization has always believed that it should protect itself against the hazards of exchange rate movements so as to avoid negative repercussions on the Organization's programmes. Today it must be said that the situation we find ourselves in is radically different to that of 1995 given that at last week's exchange rate my programme and budget proposals represent a reduction of over 16 per cent in United States dollars. The Office has never sought to benefit from exchange rate movements, nevertheless, the current favourable situation should now be mentioned as the Organization found itself to be negatively affected when the situation was so unfavourable two years ago.

19. These proposals, which constitute a reduction of 3.75 per cent, could not have been made if a whole series of reforms had not been undertaken and implemented in recent years. These reforms will be consolidated, and new reforms are now being proposed, some of which will be discussed during this session of the Governing Body. They are all aimed at making our Organization more relevant, more effective in the services it provides and also more efficient, by constantly improving productivity and through better cost control.

20. As regards the relevance of the ILO, two major reforms have been introduced. The first, an integral part of the active partnership policy, consisted of developing, with all the constituents at the national level, studies to establish country objectives. This reform not only served to bring the Organization closer to its constituents, but also to ensure that its activities correspond more exactly to their needs and priorities. The second reform is a much more recent one. It concerns the strategic planning process in the Office which has just been improved by the introduction of two new stages. The first was introduced in November, and gives the Governing Body the possibility to indicate its preferences regarding the programme and budget proposals, which are now under discussion. The other new stage will begin next November in the form of a discussion in the Governing Body to evaluate the implementation of the 1996-97 Programme and Budget during the first three terms of the biennium to draw conclusions useful for the preparation of the Preliminary consultation discussion to be held in March 1998. These two reforms will not only make our activities more relevant but will also improve the coherence between the priorities identified at the national level and those decided by the Governing Body at the international level.

21. It is perhaps in relation to the quality of services provided to constituents that the most progress will be seen in the next biennium, progress which will be particularly tangible. We propose using the potential of the Internet to the maximum to make the information we have at our disposal and the products we produce, directly and fully accessible to all constituents, in their countries and at their institutions. By the end of the next biennium the quality of the services the constituents will be receiving from the Office will be greatly increased and the dialogue with them greatly enriched.

22. Just as important are the reforms aimed at making the Organization more efficient, which are being pursued with considerable determination. I have just decided to apply throughout the Office a monitoring, evaluation and reporting system (MERS) to be integrated in the Office's strategic planning and programming process. Work is now under way on the methods of applying this system of management by objectives, which will be fully implemented as from the biennium 1998-99. This will certainly help to make ILO activities more transparent. In order to achieve productivity gains and cost reductions, the Office will continue to decentralize administrative and financial tasks and to make use of new technologies. The reforms introduced have already achieved tangible savings, as can be seen from the graph showing savings in various major programmes. The International Labour Conference, which in my programme and budget proposals accounts for $13 million, would have cost over $20 million today if reforms had not been made since 1990-91. If the same comparison is applied to internal administration costs, savings amounting to approximately $7.8 million have been achieved today in comparison with the biennium 1990-91.

23. The application of reforms and the overall improvement of the quality of services provided call for an active personnel policy. Numerous changes have been introduced here, in particular with regard to training. The Governing Body now has before it a set of proposed improvements concerning selection and recruitment procedures. Others currently being prepared cover:

- the system of work evaluation;
- staff mobility;
- all aspects of training.

24. These reforms were implemented thanks to the encouragement provided by the Governing Body and the decisions it has taken. They are also due in no small measure to the efforts made by the Office staff, without whom none of this would have been possible. They are the fruit of their labour, their imagination, their availability, and their willingness to adapt and be trained in the new tasks required of them in the light of the Organization's updated objectives.

Geneva, 10 March 1997.

Figure 1.

Resources devoted to child labour from the substantive and operational programmes
Regular budget and Extrabudgetary resources

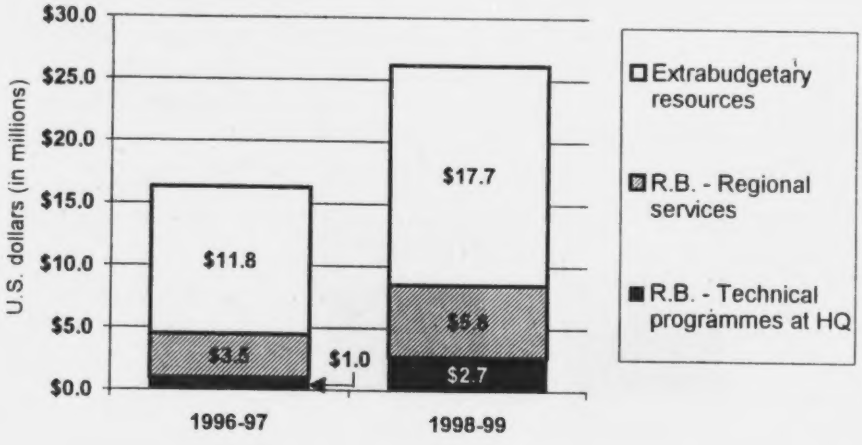


Figure 2.

Resources devoted to employment strategies from the substantive and operational programmes
Regular budget and Extrabudgetary resources

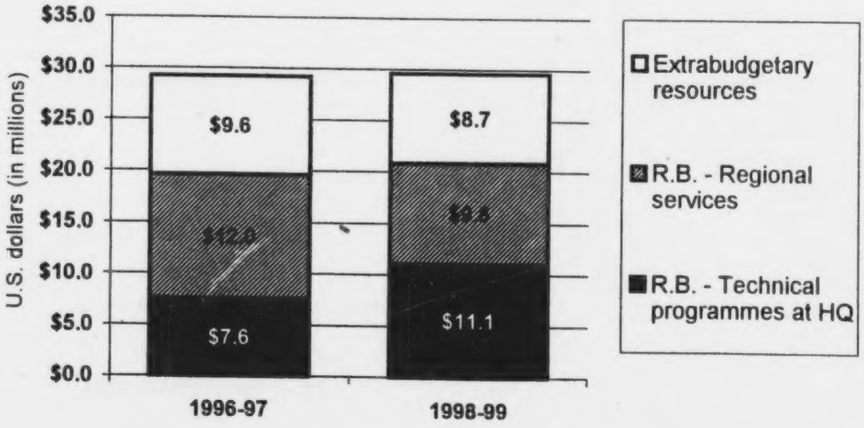


Figure 3.

Resources devoted to women
from the substantive and operational programmes
Regular budget and Extrabudgetary resources

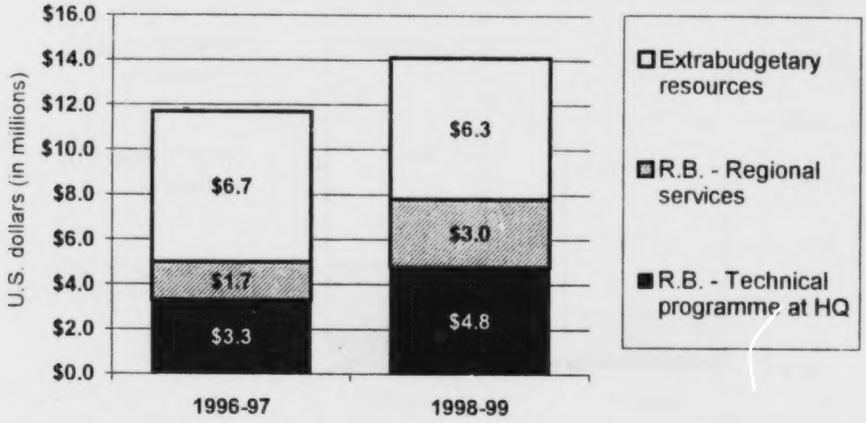


Figure 4.

Regular budget resource distribution
by the 3 main objectives
Substantive and Operational Programmes

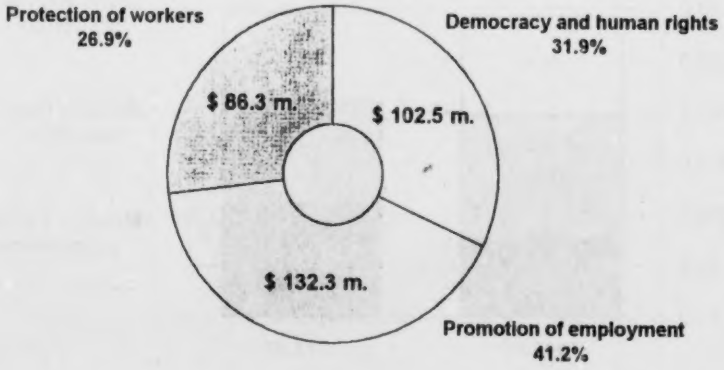


Figure 5.

Regular budget and extrabudgetary resources of the substantive and operational programmes by the 3 main objectives

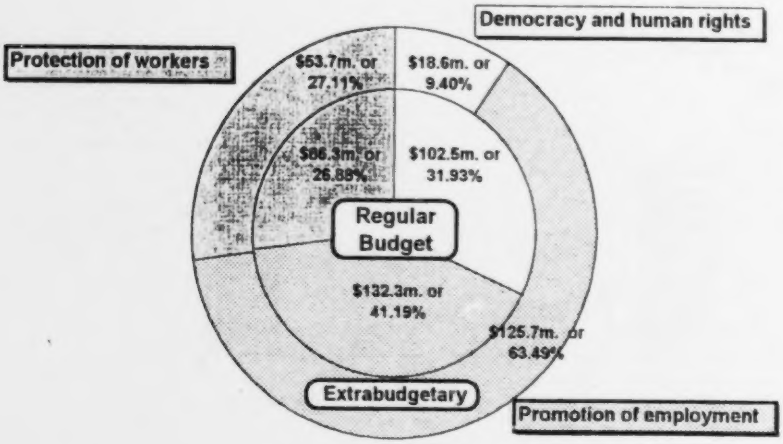


Figure 6.

Level of the budget proposals for 1998-99

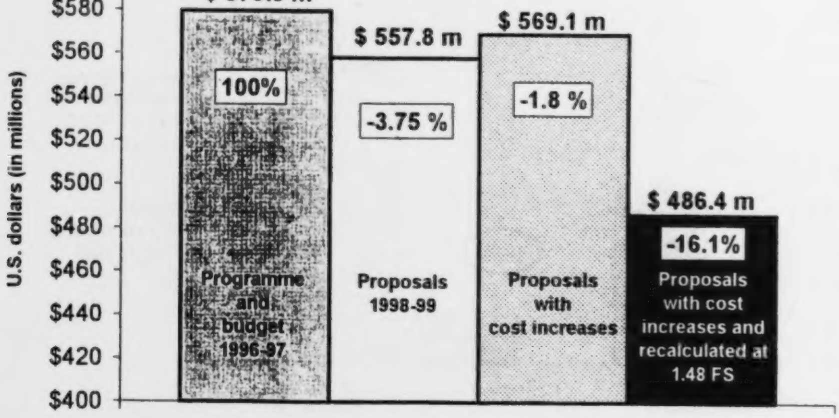


Figure 7.

Savings resulting from the introduction of reforms and more cost efficient working methods

Policy making organs and General Management

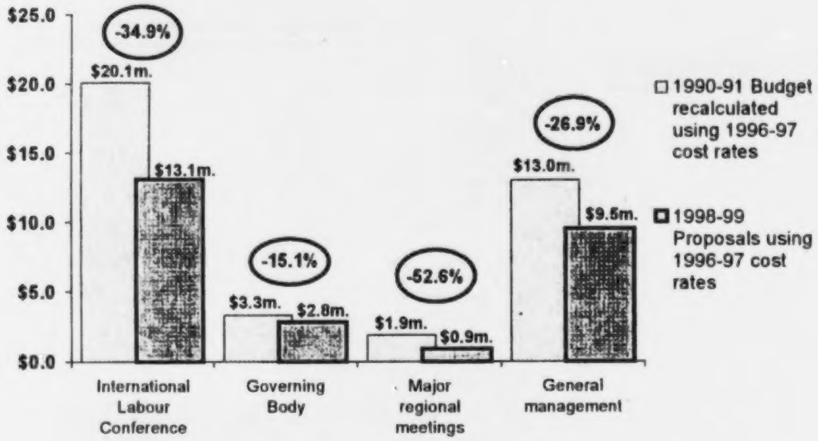


Figure 8.

Savings resulting from the introduction of reforms and more cost efficient working methods

Internal administration, Publications and Relations, Meetings and Documents

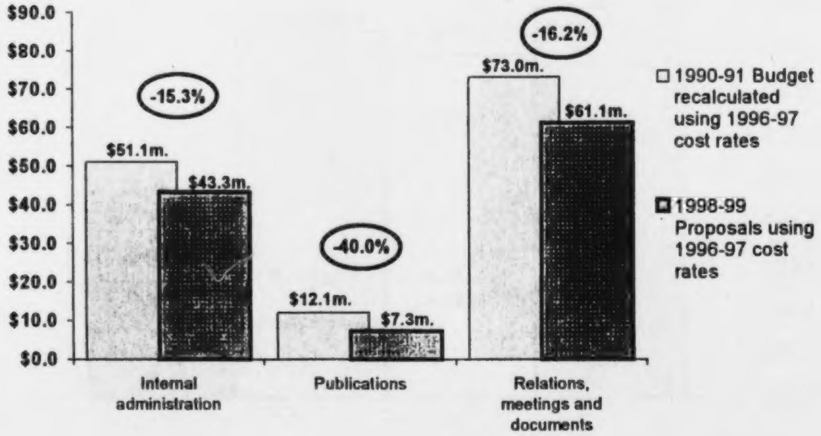
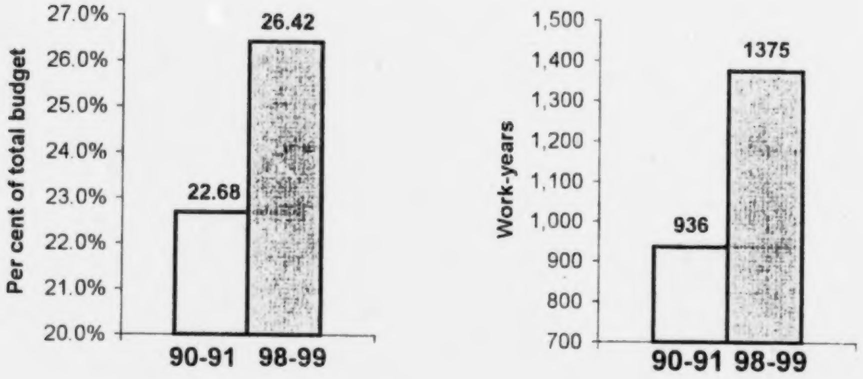


Figure 9.

Resources for the regional sector
1990-91 to 1998-99



Part II

Programme and Budget proposals for 1998-99 — Supplementary information requested by the IMEC group

(GB.268/PFA/6/S2)

INTERNATIONAL LABOUR OFFICE

Governing Body

GB.268/PFA/6/S2
268th Session

Geneva, March 1997

Programme, Financial and Administrative Committee

PFA

SIXTH ITEM ON THE AGENDA

Programme and Budget proposals for 1998-99

Supplementary information requested by the IMEC group [1]

Statement by the representative of the Director-General

(Mr. Kirszbaum, Director, Bureau of Programming and Management)

During the general discussion on the Programme and Budget proposals, on 11 March the representative of the Government of Canada, speaking on behalf of the IMEC group, requested the Office to provide additional information on the proposals. I will first recall the wording of the questions asked by the IMEC group and then set out in reply the information that it has been possible to assemble in the time available. To facilitate understanding of the replies to certain questions, charts are attached.

The IMEC statement, the words of which are precisely reproduced in bold italics below, requested that during the detailed review of the major programmes the following information be provided:

"2. For those programmes outlined in sections B (50-145, 225, 230), as well as programme 100:"

2.1 "how the objectives of the programmes relate to the three priority objectives, and an estimate of the financial and staff resources that would be allocated to these priorities"

Charts 1 to 3 attached concerning the biennium 1998-99 which indicate the financial and staff resources under each major programme associated with the three priority objectives. As indicated in the Director-General's presentation of his proposals on 10 March, these figures should be viewed as very broad estimates of a purely indicative character.

---

[1] This document will be appended to the third report of the Programme, Financial and Administrative Committee.

2.2 *"shifts of resources between priority objectives from the 1994/5, current, and next biennium"*

I shall now give broad indicative estimates for 1994-95, [2] 1996-97 and 1998-99.

Objective	1994-95		1996-97		1998-99	
Democracy	$84.5	33.9%	$101.6	31.4%	$102.5	31.9%
Employment	$96.1	38.5%	$132.4	41.0%	$132.3	41.2%
Protection	$68.9	27.6%	$89.2	27.6%	$86.3	26.9%
	$249.4		$323.2		$321.1	

2.3 *"what are the core fixed costs in the programme (i.e. activities that are required through legal or regulatory obligations), and estimates of financial and staff resources devoted to these activities"*

The Legal Adviser will respond to this point in due course. [3]

2.4 *"what activities have been terminated; and what new activities have been planned for completion during the 1998/9 biennium"*

Labour and social issues identified by ILO constituents as requiring work by the Office are often the subject of different activities in successive biennia. For example, a research project in one biennium may pave the way for information dissemination (through publications, manuals, guidelines and country seminars) in the following biennium, or to technical advisory services, and possibly to other research in related fields. Once expertise has been developed in relation to a particular social issue there is a continuing demand from ILO constituents for advisory services; and thus a need for continuing research work to update the original information base in one way or another. For these reasons it is unusual for the ILO to terminate activities in relation to any significant social issue. If ILO activities cease for any reason, the mandate of the Organization may well lead to such activities being restarted at a later date. For example, work on the link between educational qualifications and employment formally came to an end during the financial crisis of the late 1970s, but as demonstrated in the present Programme and Budget proposals, this issue is an important one, and new work is now envisaged in relation to it.

However, certain technical activities in each Programme and Budget, including in particular action programmes and meetings, are designed to be relatively self-contained, and intended to be brought to a conclusion, as regards their own limited objectives, by the end of a biennium. Thus, the following technical activities contained in the Programme and Budget for 1996-97 should in principle be concluded by the end of the biennium:

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[2] The figures for 1994-95 became available after this statement was made. The lower total figure for 1994-95 is due to differences in the exchange rate.

[3] See Appendix.

- Action programmes
  - Youth unemployment (major programme 60)
  - Privatization, restructuring and economic democracy (major programme 65)
  - Skills and entrepreneurship training for countries emerging from armed conflict (major programme 70)
  - Labour inspection and equality of rights for women in the workplace (major programme 80)
  - Safety in the use of chemicals at work (major programme 90)
  - Manual on action planning for the progressive elimination of child labour (major programme 90)
  - The reform and development of systems of social protection (major programme 110)
  - Social security programmes, the improvement of governance, management, administration and operation (major programme 110)
  - Social safety nets, social assistance and poverty prevention (major programme 110)
  - Standard setting for statistics on income from employment (major programme 120)
  - Standard setting for statistics of underemployment (major programme 120)
  - Economic reform and structural change, promoting women's employment and participation in social funds (major programme 125)

- Meetings
  - Maritime Conference
  - Two meetings of the Committee of Experts on the Application of Standards and Recommendations
  - Tripartite meeting of experts on future ILO activities in the field of migration
  - Meeting of Experts on Workers' Privacy
  - Meeting of Experts on Workers' Health Surveillance
  - Meeting of Experts on Labour Statistics
  - ILO Enterprise Forum
  - Ten sectoral meetings

- Other major activities
  - Publication of the 4th edition of the Encyclopaedia on Occupational Health and Safety
  - Establishment of the ILO site on the Internet

Additional information on completed activities will be presented to the Governing Body in November 1997 in the form of an interim report on programme implementation during the present biennium, with special emphasis on impact evaluation. A further and more comprehensive report on ILO activities in the biennium will be submitted to the Conference in 1998 by the Director-General.

- New activities planned for the 1998-99 biennium include:
  - 16 action programmes
  - Globalization, area-based enterprise development and employment
  - Labour market information systems for human resource development
  - Tripartite participation and social dialogue on training
  - Financing of training
  - Social investments: Job creation through innovative financial instruments
  - Productivity improvement, competitiveness and quality jobs in developing countries
  - Small and medium-sized enterprise development for employment
  - Cooperative approaches to collective bargaining
  - The contribution of industrial relations to regional economic integration
  - Organization and management of labour administration
  - Social initiatives by enterprises
  - Safety culture
  - Action against extreme forms of child labour
  - An operational framework for pension reform
  - Strategies to combat youth marginalization and unemployment
  - Improving the quality of women's employment

- Research items on the following topics (many of which constitute updating exercises to ensure that ILO advice remains relevant and well-informed)
  - The employment and labour market impact of regional blocs
  - Job creation and destruction
  - Structural adjustment, employment and role of the social partners
  - Labour market flexibility and employment security
  - Labour market policies for transition economies
  - Economic development and core labour standards in developing countries
  - Improving labour market indicators
  - The role of the State and the private sector in training
  - Drawing lessons from migration policy analysis
  - Job retention and disability management at the workplace
  - Entrepreneurship and small-enterprise development
  - Workers' representation in multinational enterprises
  - Improving the content and quality of work

  - Public sector pay
  - The changing role and responsibilities of labour inspection
  - Elimination of child labour (labelling, corporate and trade union policies)
  - The economic implications of action against child labour
  - Safety in the use of biological agents at work
  - Labour and social implications of genetic screening
  - Violence at work
  - Work and protection: Options for the twenty-first century
  - Working time and gender
  - Working time, health and safety
  - The financing and delivery of health care
  - Principles of social security
  - Working time and productivity
  - Strengthening the organisational capacity of excluded groups
  - Promoting social dialogue for job creation and poverty elimination
  - The future of urban employment
  - Home work

- Launch of new technical cooperation programmes
  - the International programme for more and better jobs for women
  - the International Small Enterprise Programme
  - the ILO Global Programme on Occupational Safety, Health and Environment

- The adoption of new standards on —
  - child labour
  - conditions to stimulate job creation in small and medium-sized enterprises
  - contract labour

- A major project to enhance the usefulness of five major ILO databases:
  - CISDOC
  - LABORDOC
  - LABORSTA
  - ILOLEX
  - NATLEX

- Convening of an ILO Social Forum which would focus on core Conventions

- Increased resources and emphasis on industrial relations, including —
  - creation of an Industrial Relations Information Network (IRNET)
  - action programmes on cooperative approaches to collective bargaining and regional economic integration

- research on workers representation in multinational enterprises, improving the content and quality of work, and public sector pay

- Increased resources for the elimination of child labour, including:
  - regular reports on trends in child labour
  - a meeting of experts on labour inspection and child labour
  - research on the economic implications of action against child labour and on labelling and corporate conduct
  - an action programme on extreme forms of child labour
  - new international labour standards

- Volume 3 of *World Employment*

- A major report on social protection

- A major publication on the fundamental principles of occupational health and safety

2.5 *"management structure and costs"*

Each major programme in the technical sector is headed by a department or bureau director who is graded at the D2 or D1 level.

- There are 10 D2s managing major programmes in the technical sector
- There are 3 D1s managing major programmes in the technical sector
- The total staff costs of these officials is $5.2 million (at 1996-97 standard costs).

- The director of a major programme is assisted by officials who manage the various programmes; these officials are graded at the D1 or P5 level (the standard cost for D1 and P5 is the same)
  - There are 21 managers at the programme level
  - The total staff costs of these officials is $7.1 million (at 1996-97 standard costs)

- It should be noted that all programme managers, at the major programme and programme levels, spend a substantial portion of their time on substantive issues, including the provision of technical guidance to their colleagues.

2.6 *"how proposed research activities relate to the three priority objectives; how the proposals were identified, screened and quality checked in terms of subject and authors; how they relate to other research activities under way; and if they are in cooperation with other agencies or institutions"*

I shall now list the research projects contained in the 1998-99 proposals with an indication of how they relate to the 3 priority objectives. Although some of these research activities relate to more than one of the three priority themes, only the main emphasis will be indicated. Thus some of these research topics contribute to the promotion of democracy and workers' rights, although this is not explicitly indicated here (e.g. that on economic development and core labour standards):

E = promoting employment and combating poverty
P = protecting working people

E	The employment and labour market impact of regional blocs
E	Job creation and destruction.
E	Structural adjustment, employment and role of the social partners
E	Labour market flexibility and employment security
E	Labour market policies for transition economies
E	Economic development and core labour standards in developing countries
E	Improving labour market indicators
E	The role of the State and the private sector in training
P	Drawing lessons from migration policy analysis
P	Job retention and disability management at the workplace
E	Entrepreneurship and small-enterprise development
P	Workers' representation in multinational enterprises
P	Improving the content and quality of work
P	Public sector pay
P	The changing role and responsibilities of labour inspection
P	Elimination of child labour (labelling, corporate and trade union policies)
P	The economic implications of action against child labour
P	Safety in the use of biological agents at work
P	Labour and social implications of genetic screening
P	Violence at work
P	Work and protection: Options for the twenty-first century
P	Working time and gender
P	Working time, health and safety
P	The financing and delivery of health care
P	Principles of social security
P	Working time and productivity
P	Strengthening the organizational capacity of excluded groups
E	Promoting social dialogue for job creation and poverty elimination
E	The future of urban employment
P	Home work

Selection of research activities

Research proposals are initially prepared by all branches in the technical departments of the Office taking account of a wide range of considerations, including: requests by constituents in the Conference, the Governing Body, regional meetings and sectoral meetings; the needs of constituents as manifested in country objective reviews; the needs for comparative research identified by the multidisciplinary advisory teams; the need to pursue areas of interest identified in earlier ILO research, or to update past research; and consultations in technical meetings, formal and informal, with experts in various social fields. Research proposals are then examined from the point of view of their relevance to the three major objectives of the Organization and their consistency with the objectives of the major programme to which they relate. Checks are undertaken in order to ensure that all research proposals clearly identify the problem to be addressed, and the way in which the research will contribute to the solution of the problem at the country level. Account is also taken of past work carried out by the Office, and by outside institutions, including other UN agencies and universities. Care is taken to ensure that the research proposals finally selected are policy-oriented, building wherever possible on research carried out elsewhere, including that completed by the International Institute of Labour Studies.

Early in the programming cycle the first draft proposals of all the technical departments are circulated at headquarters and in the regions; and the corresponding first draft of all the regional proposals is also circulated throughout the Office. This makes possible a comprehensive process of consultation and cross-checking to ensure internal consistency. Members of the senior management team have the opportunity of commenting on these first draft proposals to ensure full coherence between proposals for action programmes and research programmes emanating from headquarters departments with the needs of regions, including the need for background research to support the work of the multidisciplinary advisory teams. The reports of the discussions in the Governing Body and the Committee concerning the strategic orientations of ILO programme planning are also taken into account.

"3. For the regional and active partnership programmes (245-280): how the activities in these programmes relate to the three priority objectives; and ii) flows to developing countries, in particular the poorest"

ILO activities under the regional major programmes and the Active partnership and technical cooperation major programme are designed taking account of discussions concerning the three priority objectives in the Conference and the Governing Body, and most notably the discussions relating to the development of the Programme and Budget. In pursuance of the Active Partnership Policy, ILO activities in the regions are also formulated bearing in mind the various analyses prepared at the country level by MDT specialists who carry out country objective reviews or update them in consultation with ILO constituents. These reviews identify the major problems at the country level and define ILO objectives. Programmes are then formulated which are implemented by the countries concerned with ILO assistance and/or with external multilateral or bilateral cooperation.

The distribution of the resources of major programmes 245 to 280 among the three priority objectives can only be of an indicative nature because many of these activities contribute in many instances to more than one major objective. Bearing in mind this consideration, the regular budget resources of the regional and Active partnership major programmes in the 1998-98 proposals are distributed as follows (see also chart 4 attached):

— Democracy: 43.4 per cent (regular budget $ 63.7 million)

— Employment: 43.3 per cent(regular budget $ 63.6 million)

— Protection of workers: 13.6 per cent (regular budget $ 20.0 million).

The flow to developing countries is approximately $124.2 million in constant 1996-97 costs. This represents about 84.3 per cent of the regular budget resources for the regional services (major programmes 245 to 280; total: $147.34 million). This figure refers only to the flows of resources directly associated with the provision of services to developing countries. Therefore, the resources for major programmes 245 and 280 are excluded, as are the Tokyo and Washington Branch Offices. In addition, a significant proportion of the funds allocated to headquarters departments are devoted to developing countries mainly through activities such as technical advisory services (TAS), technical cooperation project support, interregional programmes, IPEC, action programmes, dissemination of information to constituents, and service and support to field programmes. Major programme 245 (Active partnership and technical cooperation) also contributes to the flow of resources to developing countries to an extent greatly exceeding its own level of resources by mobilizing extra-budgetary resources for technical cooperation activities in developing countries. Moreover, regular budget expenditure lays the basis for the considerable flow of extra-budgetary funds which are mobilized by ILO programmes for the benefit of constituents in developing member States.

The flow to the least-developed countries (40 ILO member States) represents some $47.2 million, or 38 per cent, of the total flow to developing countries indicated above. The estimates for the LDCs should also be regarded as indicative. This disaggregation of the total flow to developing countries is a forecast based on the expenditure of extra-budgetary resources for technical cooperation activities in 1995.

Geneva, 14 March 1997.

Appendix

“Core fixed costs in the programme”

Note by the Legal Adviser

The question asked concerns the portion of fixed costs of certain programmes under section B, as well as Programme 100, which could not be reduced on account of legal or regulatory obligations, as well as an evaluation of the financial and staff costs assigned to these activities.

The following does not seek to provide a definitive reply, but rather simply to provide a framework in which replies could be given.

These replies will obviously depend on the exact phrasing of the question, and in this regard it appears that there has been some fluctuation in the terminology used. References have been made to “activities *related* to constitutional, legal and regulatory functions”, “activities *to meet* constitution, legal and related functions” and even to “activities that are *required through* legal or regulatory obligations”. The replies to these different questions vary considerably.

The first two formulations seem to have been abandoned. It is clear that speaking of activities “related to” constitutional functions would cover all the activities of the Office to the extent that it may undertake only activities that correspond to the functions that are assigned to it in article 10 of the Constitution. It also clear that although a function may be mandatory (for example to issue publications pursuant to article 10(2)(d)), their content would depend on instructions given by the Conference and the Governing Body, in particular in relation to budgetary provisions. Posed in this way, the question is largely circular.

It therefore seems that the question should be interpreted as referring to non-discretionary activities, that is those arising from constitutional or other legal obligations which neither the Conference nor the Governing Body has the power to evade. Under this interpretation, the general list is relatively easy to draw up.

First, this would include activities linked to the existence of the various institutions of the Organization and their meetings: the Conference, the Governing Body and the Director-General. Activities relating to these organs appear, however, mostly in section A of the Budget (as do Legal Services).

Then there are activities linked to constitutional functions that the Organization is required to fulfil in relation to standards already adopted by the ILO (since the Constitution does not require the Organization to adopt new standards). These include:

- the depositary function that the Director-General must carry out under article 20;
- follow-up on adopted instruments (articles 19(5) and 19(6));
- supervision of the application of ratified Conventions (articles 22 and 23 of the Constitution);
- representation cases and the resolution of complaints in accordance with article 24 and article 26 procedures. These activities are both mandatory in terms of function and discretionary as regards application, since the Governing Body is in theory not actually required to set up a Commission of Inquiry. For this reason there is no standing provision to that effect.

The activities corresponding to the above functions (including the Committee of Experts, although it is not foreseen in the Constitution) are performed by the International Labour Standards Department with technical contributions from the departments concerned as needed and from JUR as required.

In addition to constitutional obligations, some activities relate to contractual obligations which are not necessarily untouchable but from which the Organization could not withdraw as it pleases. This category involves contracts of all types, for the implementation of technical cooperation projects, for leases and for loan agreements (the headquarters building).

A final category could be grouped under the heading of obligations arising under international law. In application of article 12 of the Constitution, the Organization has concluded a number of agreements with international organizations and on occasion has undertaken technical cooperation programmes that imply activities from which the Organization could not withdraw without prior notice. These activities are distributed across the various technical programmes. Also falling into this category is the agreement concluded with the Government of Italy in 1983, article 1 of which contains certain engagements concerning the financing of the Turin Centre.

* * *

If the Governing Body so wished, a more detailed picture could be painted of costs that may not be reduced or which could be reduced only after respecting certain notice periods. However, the somewhat artificial nature of such an exercise should be stressed. On the one hand, the majority of such activities do not fall within section B. On the other hand, the Organization could theoretically withdraw, by various contrivances, from most of these obligations, including the supervision of standards (by their abrogation or by spacing reports). The only thing that would remain irreducible would be the existence of the institutional bodies of the Organization. But this is not an end in itself: and obviously, it would only be justified in relation to the promotion of the objectives of the ILO.

Chart 1

Resources and work-years attributed to the objective of democracy and human rights

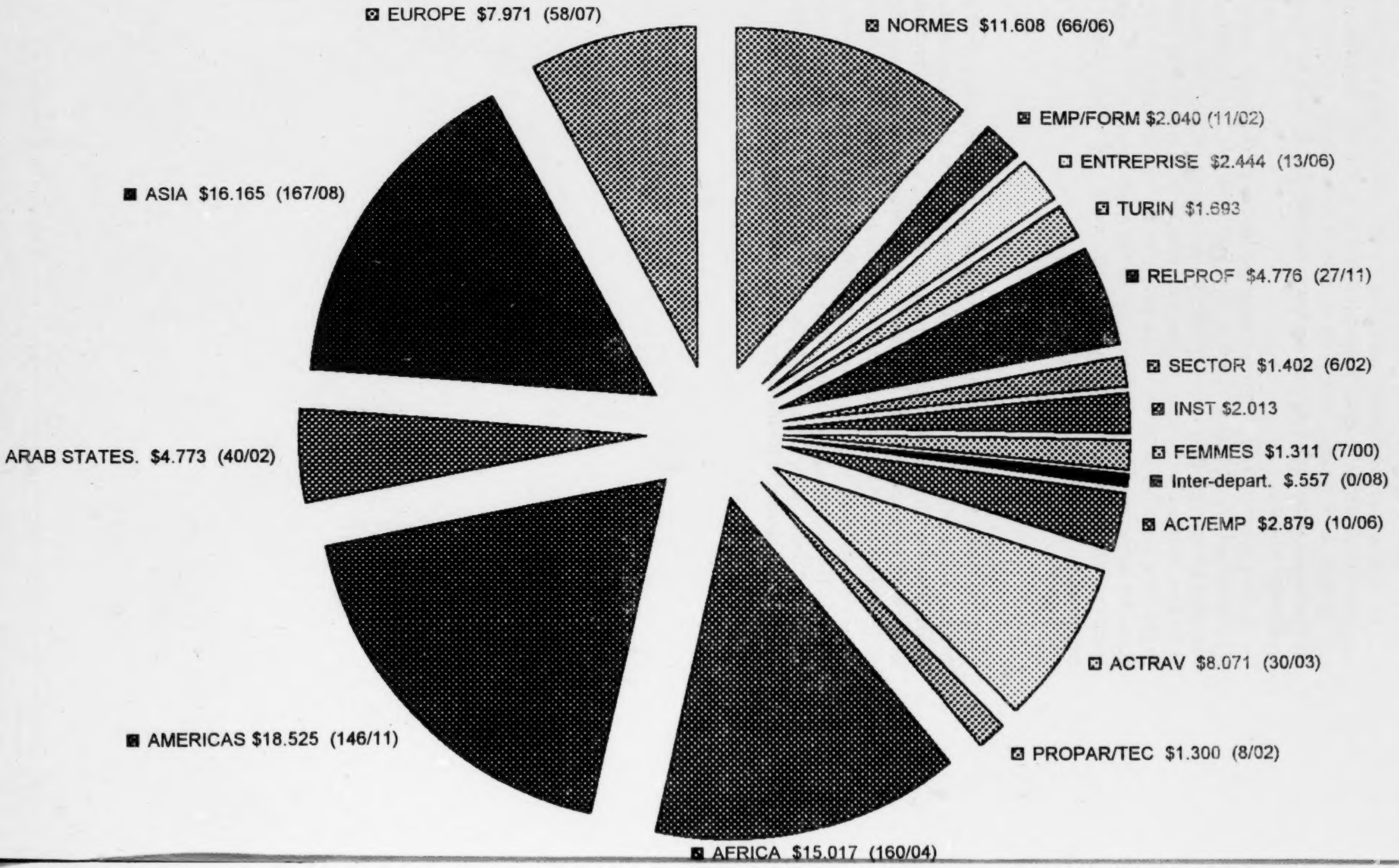


Chart 2

Resources and work-years attributed to the objective of employment promotion

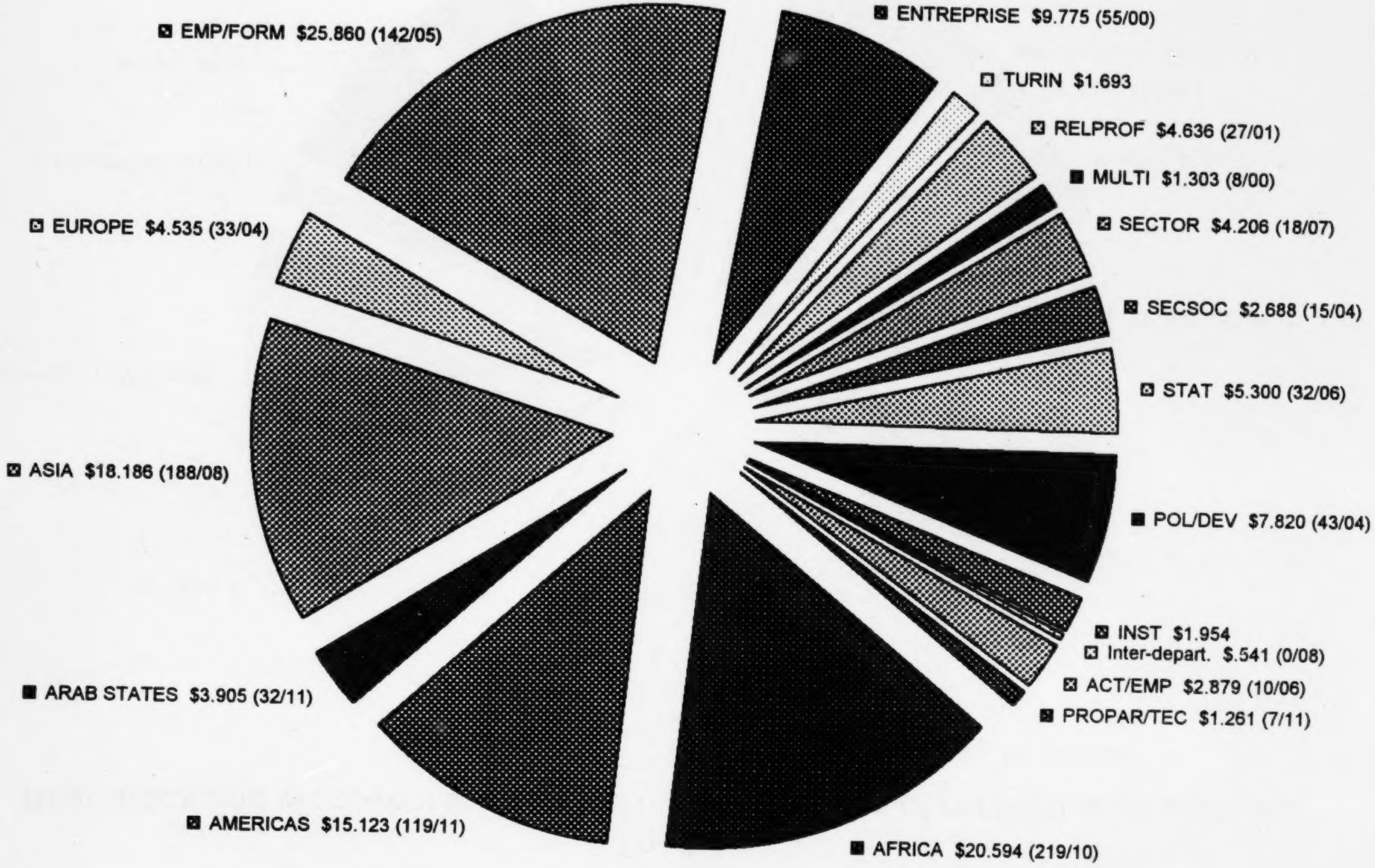


Chart 3

Resources and work-years attributed to the objective of protection of workers

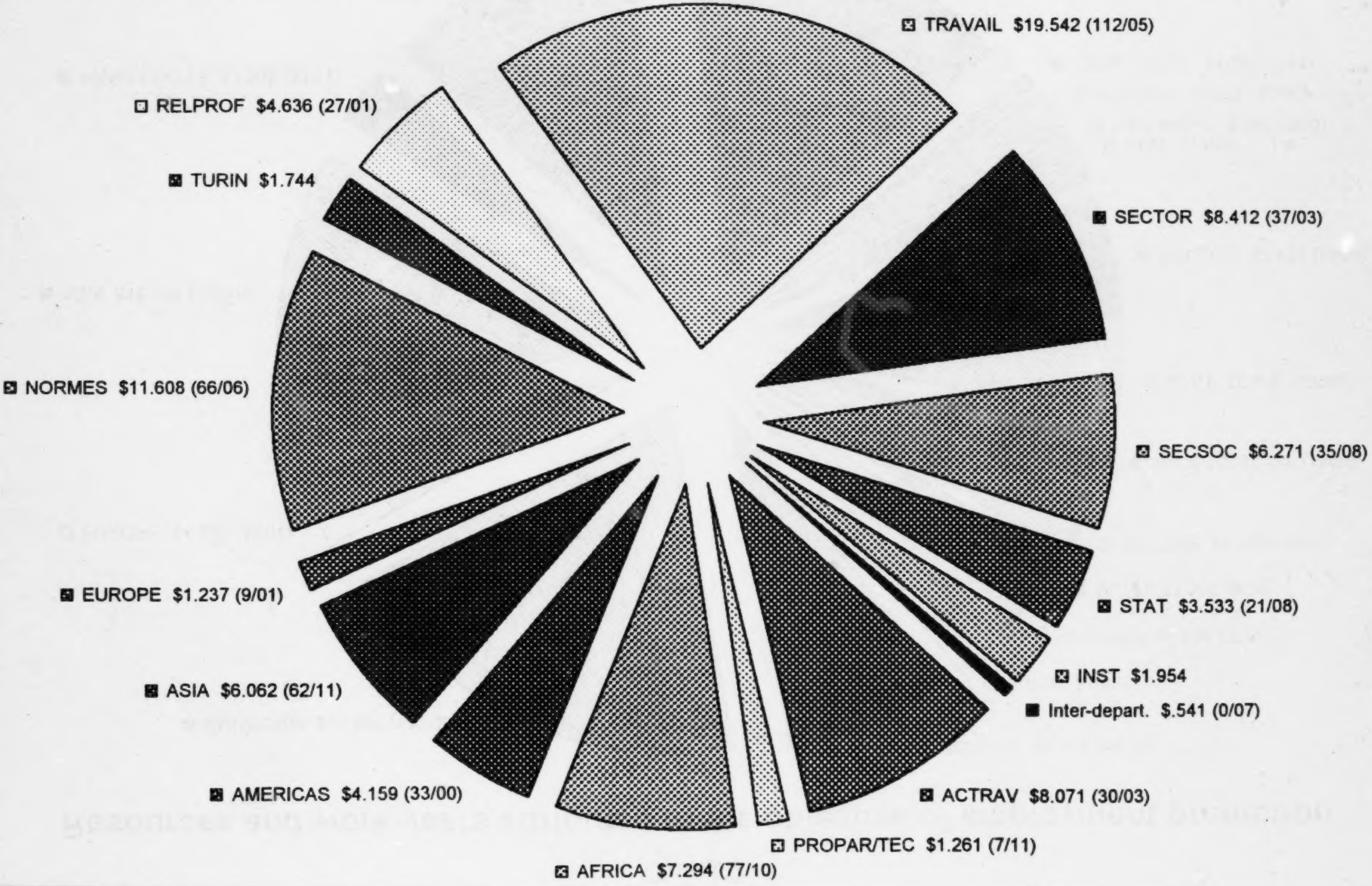
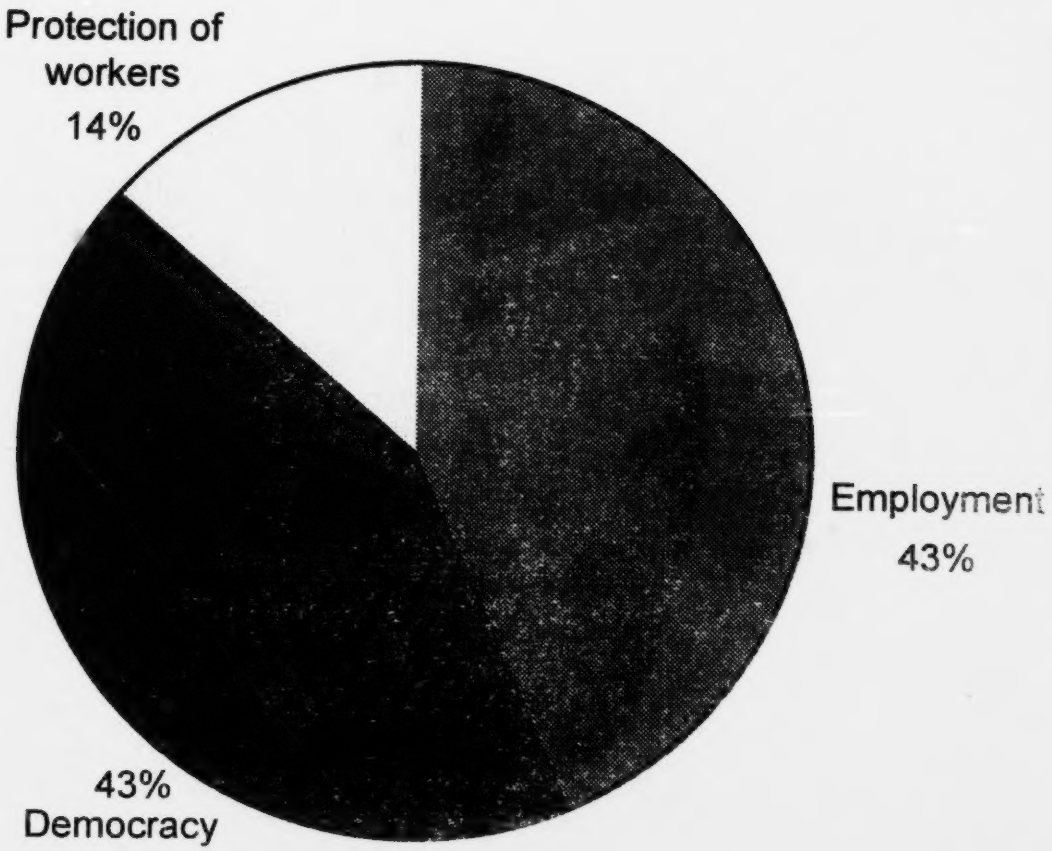


Chart 4

Regular budget resources for the regional and active partnership programs
Distribution by the three main ILO objectives



Part III

Summary of the replies of members of the ILO's senior management team to points raised in the discussion in the GB/PFAC in March 1997

Replies of ILO senior management during the GB/PFAC discussion

(References are to the Third Report of the GB/PFAC (GB.268/7/3),
which is reproduced as Annex I in Report II to the Conference)

Para.		
94	Director-General	Comments on the general discussion of the proposals
114	Mr. Tapiola	Responds to the questions raised by the Worker members and by the Government of France regarding the *Provisional Record*. Replies to the statements of the Governments of the United Kingdom and the United States calling for a revitalized Conference. Also replies to questions relating to Regional Meetings and simultaneous interpretation.
118	Mr. Kirszbaum	Answers the question of the Government of Canada on behalf of the IMEC group regarding the composition and costs of the ILO's General Management.
123	Mr. Tapiola	Refers to the query about the efforts made to integrate the Sectoral activities programme with other ILO programmes.
124	Director-General	Replies to the question raised by the Governments of the United States, Japan and the United Kingdom on the future of the Conference, its profile and significance. Comments also on how to enhance the interest of the Conference for Ministers of Labour.
137	Mr. Tapiola	Replies to the question from the representative of the Government of Germany regarding the budgeting of travel costs for the Conference.
138	Mr. Kirszbaum	Responds to a question from the Government of the United States regarding the budgeting of General Management costs.
142	Mr. Ahmad	Provides further clarifications on how staff costs are budgeted throughout the Office.
233	Mr. Tapiola	Replies to questions relating to major programme 50 (International labour standards and human rights) and also refers to a question from the representative of Italy regarding the campaign launched by the Director-General to promote the ratification of the ILO's fundamental Conventions.
235	Mr. Hammar	Replies to issues raised in relation to major programmes 65 (Enterprise and cooperative development) and 85 (Multinational enterprises) by the Governments of Egypt, China, Swaziland and the Workers' group. Also refers to the Enterprise Forum of November 1996.
240	Mr. Taqi	Replies to issues related to major programmes 60 (Employment and training), 80 (Industrial relations and labour administration), 90 (Working conditions and environment), 110 (Social security), 120 (Statistics) and 125 (Development policies). Also responds in particular to comments made by several Governments including the United States, the United Kingdom, Turkey and several Employer and Worker members concerning the overlap between certain major programmes, action programmes, ILO work on labour market issues, IPEC, ISSA and the International Conference of Labour Statisticians.
255	Mr. Kirszbaum	Supplies the Committee with supplementary information requested by the IMEC group. This statement is reproduced in Part II of the present document.

Para.		
313	Ms. Chinery-Hesse	Responds to issues raised by several Governments, including the IMEC and African groups, and members of the Employers' and Workers' groups in relation to major programme 245 (Active partnership and technical cooperation), and to five regional programmes: 250 (Africa), 260 (Americas), 265 (Arab States), 270 (Asia and the Pacific) and 280 (Europe and Central Asia). In particular, answers questions related to the presentation of these programmes, the distribution of their resources including travel costs, the allocation of their resources among regions; the implementation of the active partnership policy, the completion of country objectives reports, the use of RBTC funds, the evaluation of technical cooperation projects; and the link between technical cooperation activities and ILO standards.
325	Mr. Ahmad	Replies to the question whether the ILO's Financial Regulations affect its ability to attract extra-budgetary funding.
327	Mr. Trémeaud	Provides supplementary information in response to the question raised on the ILO's strategy for resource mobilization.
347	Mr. Ahmad	Replies to issues raised concerning major programmes 170 (Financial services), 175 (Internal administration) and 185 (Information technology and communications). Also responds to query about financial decentralization, the steps taken to reduce the ILO computer network, and travel expenses.
351	Ms. Hagen	Replies to the concerns expressed by Mr. Marshall of the Employers' group about the marketing strategy for ILO publications. Also refers to major programme 240 (International relations) with regard to the relationship between the ILO and the Bretton Woods institutions.
352	Director-General	Comments on a number of statements relating to the discussion of individual programmes and in particular the issues raised regarding staff administration, PERSIS, and the internal evaluation system (MERS).
368	Director-General	Indicates the major considerations he would take into account in proposals for adjustments to the original Programme and Budget proposals.

Part IV

Revised graphs and tables reflecting the decisions of the Governing Body in March 1997 concerning resource levels

Summary of the Programme and Budget proposals for 1998-99 in constant 1996-97 US$

(as adjusted by the Governing Body in March 1997)

Sector	1996-97 Programme and Budget	% of total budget	1998-99 proposals (as adjusted)	% of total budget	Difference	
					$	%
Policy-making organs	92 493 834	15.96	79 517 579	14.53	-12 976 255	-14.03
General Management	9 488 450	1.64	9 440 865	1.73	-47 585	-0.50
Technical programmes at HQ	*177 588 612*	*30.65*	*170 235 176*	*31.12*	*-7 353 436*	*-4.14*
Regional services[1]	*145 623 827*	*25.13*	*145 116 192*	*26.52*	*-507 635*	*-0.35*
Substantive and operational programmes	323 212 439	55.77	315 351 368	57.64	-7 861 071	-2.43
Service and support activities[1]	132 145 378	22.80	123 294 703	22.54	-8 850 675	-6.70
Miscellaneous[2]	22 159 899	3.82	19 508 107	3.57	-2 651 792	-11.97
	579 500 000		547 112 622		-32 387 378	-5.59

[1] The Liaison Office with the United Nations, New York is included under the Service and support activities sector.

[2] Includes other budgetary provisions, staff turnover and unforeseen expenditure.

Indicative estimates of the resources attributable to the three priority objectives

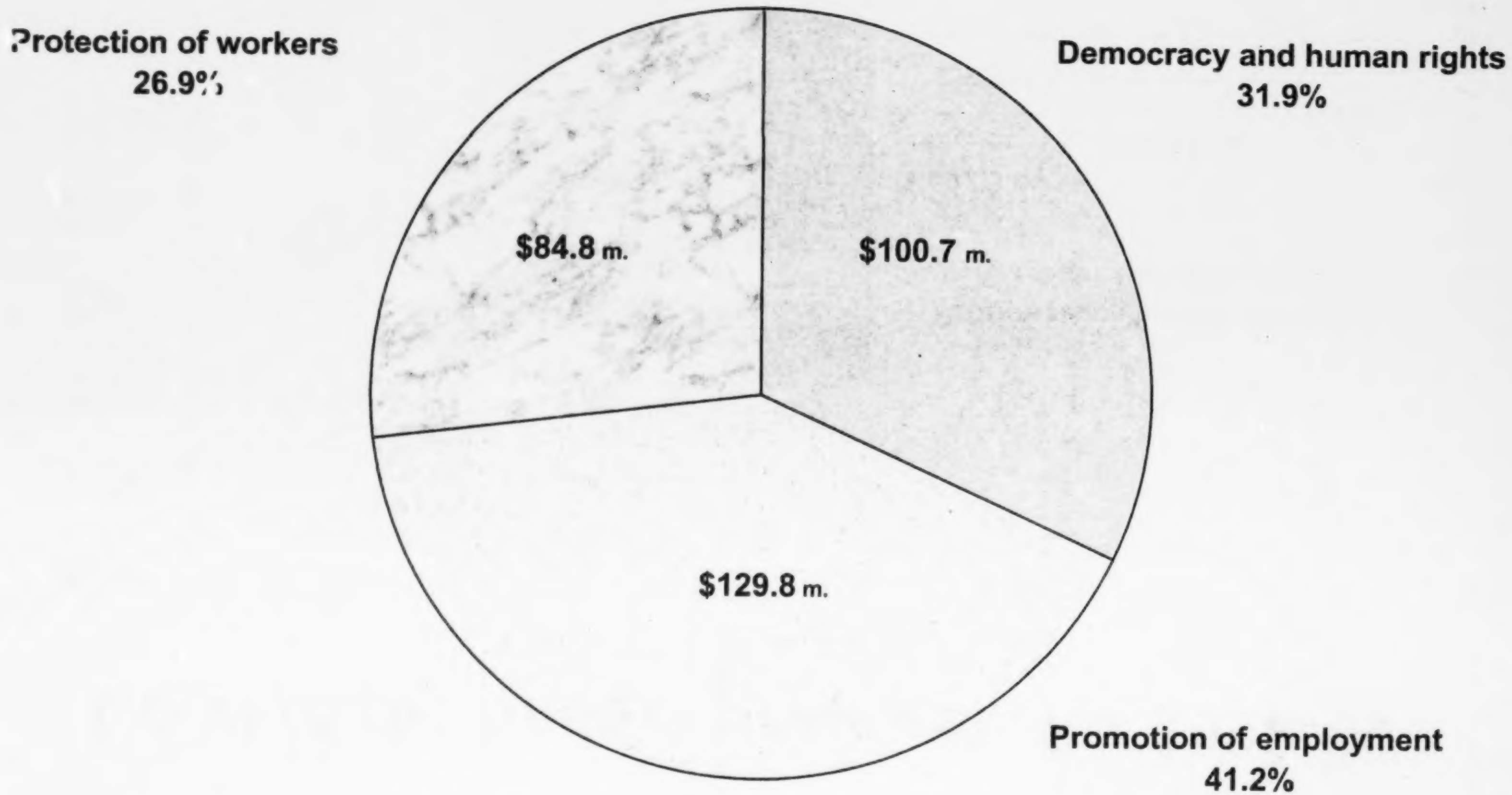
Substantive and operational programmes

Regular budget

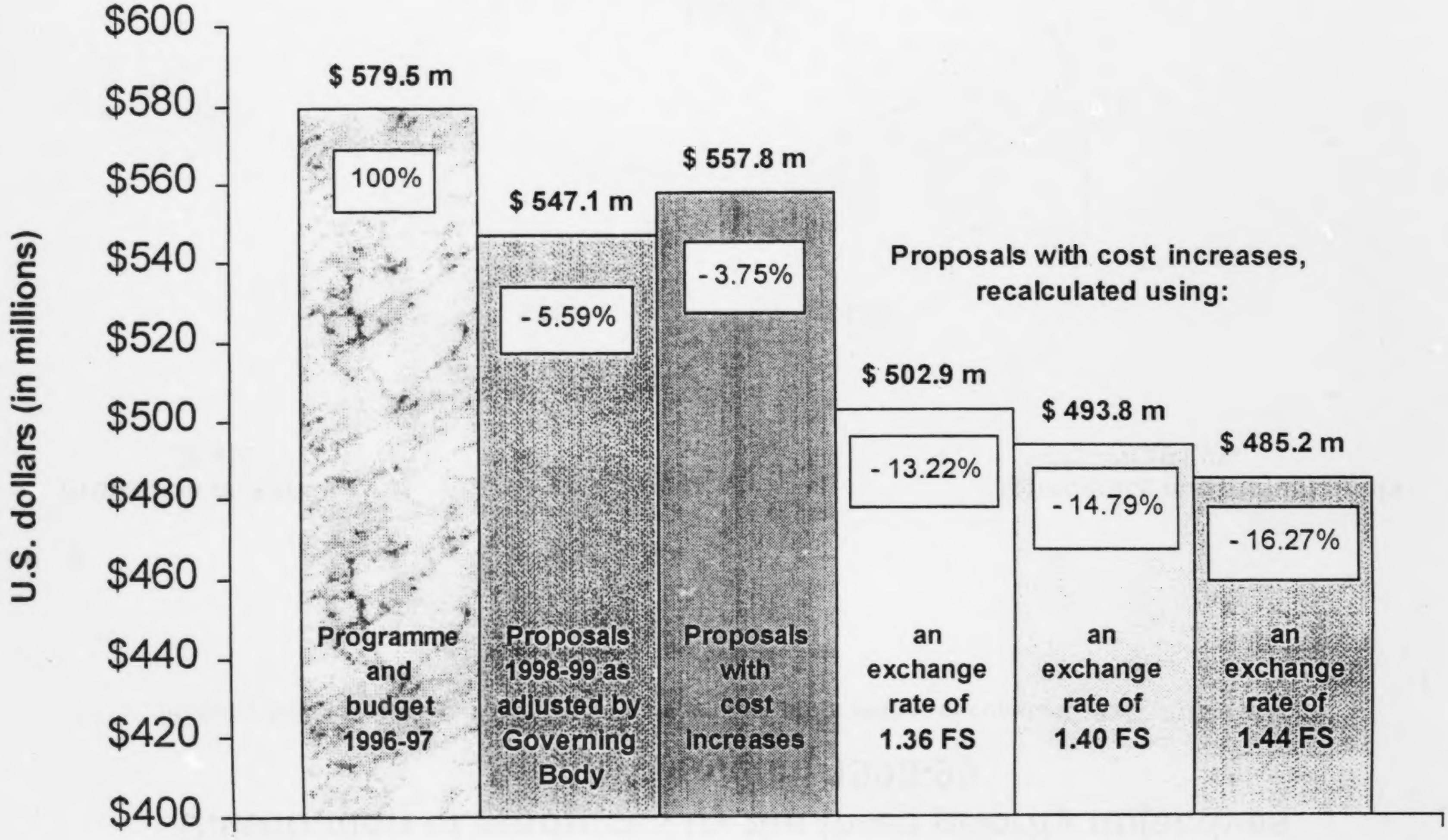
	Democracy and human rights		Promotion of employment		Protection of workers	
	$ (million)	%	$ (million)	%	$ (million)	%
1994-95	84.5	33.9	96.1	38.5	68.9	27.6
1996-97	101.6	31.4	132.4	41.0	89.2	27.6
1998-99	100.7	31.9	129.8	41.2	84.8	26.9

Distribution of resources by the three priority objectives for the biennium 1998-99

(Regular budget, Substantive and operational major programmes in constant 1996-97 US dollars)



Level of the budget proposals for 1998-99



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Part II: Programme and Budget proposals for 1998-99 — Supplementary information requested by the IMEC group (GB.268/PFA/6/S2)

Part III: Summary of the replies of members of the ILO's senior management team to points raised in the discussion in the GB/PFAC in March 1997

Part IV: Revised graphs and tables reflecting the decisions of the Governing Body in March 1997 concerning resource levels

No. 3 — Friday, 30 May 1997

International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

4

Report of the Chairperson of the Governing Body to the Conference for the year 1996-97

The present report on the work of the Governing Body is submitted to the Conference in accordance with article 14 of the Standing Orders of the Governing Body. It covers the period since the last general session of the Conference (June 1996), i.e., the Governing Body's 266th (June 1996), 267th (November 1996) and 268th (March 1997) Sessions. This report focuses only on the highlights of the Governing Body's year, and does not cover matters that are otherwise before the Conference. Those wishing more extensive and detailed information on the work of the Governing Body as a whole are referred to the notes at the end of the report. They may also consult the minutes of its proceedings, or the documents submitted to its committees and to the Governing Body itself.

EMPLOYMENT AND SOCIAL POLICY

Follow-up on the World Summit for Social Development

The principal exercise in this field has been the ILO's work as lead agency for the *ACC Task Force on Full Employment and Sustainable Livelihoods*, created as part of follow-up on the Copenhagen Declaration and Programme of Action. Its mandate is to help governments give effect to the commitment made by heads of state and government at the Social Summit to promoting the goal of full employment. The Social Summit recognized the need to promote tripartite dialogue and social consensus in policy-making, and called on governments "to safeguard the basic rights of workers and, to this end, freely promote respect for relevant International Labour Organization Conventions, including those on the prohibition of forced and child labour, freedom of association, the right to organize and bargain collectively, and the principle of non-discrimination".

In November 1996 the Governing Body examined progress in the work of this Task Force with regard to the latter's decision to carry out *country employment policy reviews*.[1] It noted the outline for and modalities of the reviews, which involved the full consent of the government of the countries being reviewed and close tripartite consultation and participation of the ILO's constituents. The ILO was responsible for the reviews concerning Chile, Hungary and Nepal, and shared the leadership role with UNDP for the review concerning Zambia. The ILO retained overall responsibility for coordination and preparation of a *synthesis report* based largely on the reviews, including those conducted by UNDP on Morocco and by UNESCO on Mozambique, submitted to the UN ACC meeting in April, in order to provide the main lessons from country experiences in pursuing the objectives of full employment and sustainable livelihoods. A preliminary paper on the synthesis report was submitted to the Governing Body in March.[2]

Part of ILO contributions to the March 1995 World Summit for Social Development was the preparation of the report on *World Employment 1995*. In November 1995 the Governing Body had approved, in principle, the regular publication of *World Employment* as continued ILO follow-up on the Summit. In March 1997 the Governing Body conducted a discussion on *World Employment 1996/97: National policies in a global context*. The usefulness of the report and its renewed commitment to the objectives of full and freely chosen employment were noted.

In March the Governing Body took note of further information on work in relation to the Commission for Social Development[3] which selected "Productive employment and sustainable livelihoods" as the priority theme for its 1997 regular session and asked the ILO to serve as task manager for the preparation of a substantive document. In doing so the ILO has worked very closely with the United Nations secretariat, while obtaining the constructive involvement of other members of the UN system in preparing the draft report.

The Governing Body also noted the ILO's involvement in the work of the two other Inter-Agency Task Forces and one Inter-Agency Committee established by the ACC with a view to providing effective UN-system support for the integrated implementation, at the country level, of the action programmes that have emerged from recent UN summit conferences. These are the *Inter-Agency Task Force on Basic Social Services for All*, with the UNFPA as the lead agency, the *Inter-Agency Task Force on an Enabling Environment for Economic and Social Development*, with the World Bank as the lead agency; and the *Inter-Agency Committee on Women and Gender Equality* (see below, section on discrimination). The ILO has taken an active part in the work of the task forces and the committee, provided written contributions and assumed other responsibilities consistent with its mandate and work programme.

In November the Governing Body considered a report on the Second United Nations Conference on Human Settlements (Habitat II), held in Istanbul in June 1996.[4] It welcomed the adoption of *the Habitat Agenda: Goals and Principles, Commitments and Global Plan of Action*, and in particular the recognition given by the Conference to the role of the ILO in employment-related areas; requested the Director-General to ensure that the ILO was actively involved in the action taken by the United Nations system to implement the *Habitat Agenda*, that such follow-up was incorporated into appropriate ILO programmes and activities, as reflected in the Office's proposals for the Programme and Budget for 1998-99, and that the ILO's constituents and field structure were fully involved, since implementation would take place mainly at the national and local levels; and requested the Director-General to ensure that ILO activities on Habitat II were integrated into the follow-up machinery of the World Summit for Social Development, and in particular that issues relating to urban and local-level employment, including the informal sector, were addressed through the ILO's leadership of the UN Inter-agency Task Force on Employment and Sustainable Livelihoods.

Child labour

In March the Governing Body examined a detailed report on progress in the ILO's ongoing work on the elimination of child labour and its participation in related international developments.[5] The paper reported on progress in the signing of *Memoranda of Understanding* on child labour, which by March had been signed with 23 member States as a basis for long-term commitments in a joint effort to build up their capacity in the search for long-term solutions to the child labour problem. It reported on donations and total contributions pledged since 1992 and for the next 5 years to the International Programme on the Elimination of Child Labour (IPEC). The report also covered the Letter of Intent signed between the ILO and UNICEF to guide their joint efforts. It described programme activities, through the promotion of standards and the IPEC programme, and discussed country programmes and the roles of government and of the social partners, as well as that of non-governmental international organizations.

The Governing Body also requested the Director-General to report annually on the operational aspects of IPEC to the Committee on Technical Cooperation at its March session.

In November the Governing Body noted the Director-General's decision to initiate a preliminary research study on the issue of voluntary labelling programmes and child labour with the aim of describing existing programmes and reviewing assessments that may be available of their effect on child labour and on industry and consumer behaviour in the industrialized and developing countries. This preliminary study is expected to be completed by June 1997 and will, in addition to providing a detailed review of existing programmes, provide the basis for possible proposals for further ILO research and activities in this field.[6]

Migrant workers

In November the Committee on Sectoral and Technical Meetings and Related Issues examined the report of the Tripartite Meeting on Social and Labour Issues concerning Migrant Workers in the Construction Industry (Geneva, March 1996), which made various recommendations concerning ILO activities in this area, in particular calling on it to play a leading role in follow-up on the *Habitat Agenda* and to support technical cooperation activities which encourage and promote urban employment.[7]

The Governing Body also approved a proposal for a general survey on Conventions concerning migrant workers, inviting governments to submit reports in 1998 under article 19 of the Constitution on the Migration for Employment Convention (Revised), 1949 (No. 97), the Migration for Employment Recommendation (Revised), 1949 (No. 86), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Migrant Workers Recommendation, 1975 (No. 151).[8]

The Governing Body also approved the composition and agenda of the Tripartite Meeting of Experts on Future ILO Activities in the Field of Migration (Geneva, April 1997), which was to discuss guidelines on the protection of workers engaged under temporary migration schemes; guidelines on the protection of workers from one country recruited by private agents for employment in another country; and pattern or practice studies of the exploitation of migrant workers not falling under Convention-based procedures.[9]

ILO Enterprise Forum

In November the Governing Body took note of information concerning the outcome of the ILO Enterprise Forum, held in that month.[10] Some 550 participants had attended the Forum, which saw debates on several panels. The aim of the Forum was to bring entrepreneurs and senior managers of major enterprises together with the constituents of the Organization to discuss possible solutions in the ILO to the worldwide unemployment crisis, and its main theme was the promotion of social progress and enterprise competitivity in a global economy. It discussed the implications for enterprises and the ILO of a changing world economy; enterprises and jobs; social initiatives by enterprises; and the future role of the social partners at the enterprise level. Presentations were made of background papers and the ILO's Enterprise Strategy.

WORKING PARTY ON THE SOCIAL DIMENSIONS OF THE LIBERALIZATION OF INTERNATIONAL TRADE

In November the Working Party discussed the recent OECD publication *Trade, Employment and Labour Standards.*[11] It paid tribute to the analysis in the report and noted the support it lent for the ILO's own role, mandate and means of action. All agreed that it would continue to be important and increasingly urgent for the ILO to address these issues.

This role was further reaffirmed at the first Ministerial Meeting of the World Trade Organization in Singapore in December 1996. In March the Governing Body considered a paper summarizing developments at that meeting, which highlighted the many statements made at the meeting in support of the ILO's role. One of the main topics in Singapore concerned whether and how a reference would be made in the final documents of the meeting to labour standards, and in particular to the internationally recognized fundamental labour standards. The topic was ultimately addressed in paragraph 4 of the official final Declaration. This is of particular significance, as it represents the official point of view of the WTO as expressed by ministers of trade.[12]

The debate on the ILO's role concentrated on two issues. The first was the question of how to improve and strengthen the ILO's supervisory system and normative action more generally. This issue is described below in the section on international labour standards and the strengthening of supervisory procedures. Among the other additional suggestions made were the idea of regional monitoring mechanisms, peer reviews, and country policy reviews. The role of technical cooperation in promoting core labour standards, and the question of how to focus technical cooperation more effectively on such core standards, was also stressed.

The second issue was how to improve the research capacity and knowledge base of the ILO on those issues. Suggestions were made concerning a comprehensive programme for analysis of the issues and options concerning the social implications of globalization, and it was agreed that overall a more strategic approach was needed, incorporating the country studies and the research proposal and other relevant proposals included in the Programme and Budget proposals for 1998-99, developing criteria and methodology, and ensuring a balanced approach. The Working Party will in November 1997 discuss the full range of ILO research on related issues with a view to developing an overall research strategy.

In November and March the Working Party examined replies to the Office questionnaire distributed to constituents in member States to obtain their views on current developments with regard to globalization and the liberalization of trade, and the impact they have had on social standards. The exercise met with mixed success, as the response rate was low (35 per cent), making it difficult to draw conclusions.[13] One outcome was that the Office was requested to prepare a short factual document on voluntary codes of conduct and labelling schemes for the Working Party's next meeting. The Working Party highlighted two important points regarding any future work the Office might carry out, whether in specific country studies or in wider research: first, the impact of globalization differed greatly between countries and sectors, and any analysis should take account of this variety of experience. It was also thought desirable to develop methodology and criteria for judging objectively, on the basis of national and enterprise-level data, both the extent and the social impact of globalization.

In March attention was also given to a paper bringing together various recent reports by UNCTAD, OECD, the World Bank and the IMF on aspects of foreign direct investment.[14] This paper covered four main issues: the growing significance of foreign direct investment in the global economy; the impact of foreign direct investment on economic growth and employment; the link between foreign direct investment and labour standards; and the implications for policy. This subject also formed the background to a set of proposals on investment and employment intended as an item for the 1999 Conference agenda.[15]

The Working Party also examined progress in identifying countries willing to be the subject of special studies on the social implications of globalization and trade liberalization. Seven countries (Chile, Jamaica, Jordan, Mauritius, the Republic of Korea, Poland and Switzerland) have so far volunteered. The Working Party encouraged the Office to continue its contacts with member States to see whether a few more countries, perhaps particularly from Africa and from among the developing countries, could be identified.

Information was discussed on a research item included in the Programme and Budget proposals for 1998-99 concerning the economic impact of implementing core labour standards in developing countries.

INTERNATIONAL LABOUR STANDARDS

Working practices and methods in the area of standard setting

Continuing the work begun in 1994 in response to the Conference resolution concerning the 75th anniversary of the ILO and its future orientation, the Governing Body gave further discussion to adapting the ILO's working practices and methods in the area of standard setting.

In March its Committee on Legal Issues and International Labour Standards reviewed progress in the ratification and promotion of the ILO's fundamental Conventions, on which subject the Director-General had addressed a letter to all member States that had not ratified them in May 1995, followed by other subsequent letters.[16] Some 29 new ratifications had been registered since the letter was sent, and more were expected.

In November and March the Governing Body's Committee on Legal Issues and International Labour Standards considered further papers on the strengthening of ILO supervisory procedures in relation to the implementation of fundamental human rights within its mandate.[17] These set out a catalogue of possible methods to be used and opened debate on the specific standards concerned, namely, those on discrimination in employment and occupation and forced labour (including child labour). This subject-area is also addressed by the Report of the Director-General to the Conference at its present session, and in the report of the Committee of Experts on the Application of Conventions and Recommendations. Work will continue on this subject in the coming year: in November the Governing Body will examine a paper that will take full account of the discussions to date and of those that will take place at the present session of the Conference on the Report of the Director-General; it will analyse the discussions, identify options, contain concrete proposals and a calendar for action, and will indicate the legal, financial and organizational implications of the different alternatives.

Revision of standards

The Working Party on Policy regarding the Revision of Standards continued its work in November and March[18] by examining the needs for the revision of Conventions concerning standards in various subject-areas. The Governing Body's decisions on these involved recommendations for the revision of, or general surveys on, certain Conventions, requests to Governments to consider ratifying the standards or to provide information or engage in consultations on other Conventions, or simply to maintain the status quo.[19] This work will continue in the coming year.

On the question of abrogation or termination, in November the Working Party examined a detailed document on the procedural aspects, the necessary safeguards and the various problems related to a constitutional amendment permitting the abrogation or termination of obsolete international labour Conventions by the International Labour Conference. A set of amendments to the Constitution and the Standing Orders of the Governing Body and the Conference are as a result before the Conference at the present session.[20]

Discrimination

In March the Committee on Legal Issues and International Labour Standards examined a general status report prepared by the Office on ILO action concerning discrimination in employment and occupation.[21] This provided in particular further information on ILO action to promote equality for women as follow-up on the Fourth World Conference on Women. The Governing Body also noted that the ACC had decided to set up a permanent committee, the *Inter-Agency Committee on Women and Gender Equality*, under the responsibility of the UN Special Adviser to the Secretary-General on Gender Issues, as a standing subsidiary mechanism of the ACC. The ILO has taken an active part in its work.[22] In November the Committee on Technical Cooperation reviewed strategies to enhance women's employment and income opportunities in the light of experience from technical cooperation.[23]

Multidisciplinary teams

In November the Committee on Legal Issues and International Labour Standards reviewed the activities of the multidisciplinary teams in relation to standards, noting in particular the increased attention given by the teams to the promotion of fundamental Conventions.[24]

Freedom of association

The Committee on Freedom of Association continued to receive a high number of complaints dealing with complex industrial relations and human rights issues.[25] In October 1996 two missions visited Colombia and Swaziland for direct contacts with the authorities to discuss the problems related to freedom of association. In March 1997 a request was addressed to the Government of Korea to examine the possibility of a high-level tripartite mission being undertaken to the country. The Governing Body is in contact with the Government of Nigeria in order to set a date for an ILO mission to be held as soon as possible.

Constitutional procedures

During the past year the Governing Body received a number of representations submitted by industrial associations under article 24 of the ILO Constitution. It established committees to deal with representations concerning Brazil, the Russian Federation, Uruguay and Venezuela, and referred two representations concerning Denmark to its Committee on Freedom of Association. It also adopted recommendations made by committees it had set up to examine other representations concerning Brazil, Congo, Costa Rica, Greece, Guatemala, Peru, Turkey, Uruguay and Venezuela.[26]

As regards the complaint concerning the non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), made by delegates to the 83rd Session (June 1996) of the Conference under article 26 of the Constitution of the ILO, in November the Governing Body requested the Government of Myanmar to communicate its observations on the complaint by 31 January 1997. In March the Governing Body examined the reply and referred the complaint to a Commission of Inquiry which it appointed in accordance with article 26 of the Constitution, deciding that the members of the Commission should be nominated in accordance with the same criteria, and would serve in the same conditions, as the members of previous such commissions.[27]

Reports of the Committee of Experts on the Application of Conventions and Recommendations

The Governing Body approved changes making the separate publication of Parts 1, 2 and 3 of Report III to the Conference unnecessary, deciding that the contents of Part 1 of Report III would be published in a simplified form as an appendix to the report of the Committee of Experts on the Application of Conventions and Recommendations; Part 3 of Report III would be published as an appendix to the report of the Committee of Experts; and the Office would make available for consultation the texts of all reports received under articles 19, 22 and 35 of the Constitution, and would supply copies of these reports on request to members of delegations.[28] In March the Governing Body discussed information on international labour standards on the Internet, and in particular the arrangements for the publication of the report of the Committee of Experts on the Application of Conventions and Recommendations on the Internet.[29]

ACTIVE PARTNERSHIP AND TECHNICAL COOPERATION

Through its Committee on Technical Cooperation, in November the Governing Body reviewed progress in the implementation of the Active Partnership Policy, ILO technical cooperation activities, and the ILO strategy for technical cooperation during the previous year.[30] The Office paper presented a review of ILO technical cooperation activities over the previous year, providing statistical data and analyses. The Governing Body noted the stabilization of the resource situation, and requested the Office to prepare proposals for an innovative strategy designed to enhance the resources available to the technical cooperation programme, which it will examine in the coming year.

Following up on its November discussion, in March the Governing Body decided on an internal evaluation of the Active Partnership Policy, for which purpose it decided to establish a tripartite working party, consisting of three Government, three Employer and three Worker members, in order to review the results. The working party will meet in June 1997, November 1997 and March 1998, and will conduct visits to four regions, each by three members of the Working Party.[31]

The Committee in November also reviewed strategies to enhance women's employment and income opportunities in the light of experience from technical cooperation on the basis of a paper[32] that examined the relative strengths and weaknesses of project strategies. Further developments concerning operational activities in the United Nations system, including principal measures taken by the ILO concerning General Assembly resolution 50/120, were the subject of a further paper.[33]

In March the Committee on Technical Cooperation reviewed its working arrangements and decided to meet at both major sessions of the Governing Body each year, with a standard agenda.[34]

In March the Governing Body included on the agenda of the 1999 session of the Conference a general discussion on the role of the ILO in technical cooperation.

MULTINATIONAL ENTERPRISES

In March the Governing Body discussed the sixth survey on the effect given to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy and adopted a series of conclusions and recommendations.[35]

FINANCIAL QUESTIONS

In November the Governing Body approved amendments to the Financial Rules required to strengthen the decentralization process and to hold officials at headquarters and in the field accountable to the Treasurer and Financial Comptroller in respect of delegations of financial authority made to them.[36] It also approved amendments to the Staff Regulations and the Financial Rules so as to afford a greater measure of autonomy and independence to the Chief Internal Auditor.[37]

The Governing Body authorized the purchase of the premises of the ILO Liaison Office with the European Communities and the Benelux in Brussels and approved expenditure for the extension of the building of the ILO Regional Office for Africa in Abidjan. In March the Governing Body approved the installation of air-conditioning equipment for the premises in Islamabad, which are under construction.[38]

SECTORAL ACTIVITIES

In November the Governing Body selected 12 sectoral meetings for inclusion in the Programme and Budget proposals for 1998-99,[39] deciding in March on their composition and purpose.[40] It also evaluated practical experience with the new sectoral meetings format.[41] The Office paper reviewed participation in the meetings, their output, the role of the Officers of the meetings, experience with the new Standing Orders and panel discussions, and participants' comments. Conclusions were drawn on the desirable size of meetings and level of participation, and the structure of panel discussions, as well as on various other minor aspects.

INTERNATIONAL LABOUR CONFERENCE

In November the Governing Body undertook an assessment of the reforms in the functioning of the International Labour Conference.[42] It decided that all the measures applied in 1996 be continued at the present session, on the understanding that various facilities also be introduced;[43] and that the responsibility for the approval of non-controversial changes in the composition of committees should be delegated to the Selection Committee.

In March the Governing Body decided to include items on the agenda of the 1999 session of the Conference for the revision of the Maternity Protection Convention (Revised), 1952 (No. 103) and Recommendation, 1952 (No. 95) in a double-discussion procedure, and a general discussion on the role of the ILO in technical cooperation.[44]

In March the Governing Body also discussed various proposals made by the Office concerning possible changes in the manner of selecting items for future sessions of the Conference. These covered consultation procedures and a possible portfolio approach.[45]

REGIONAL MEETINGS

Following the decision taken in 1995 that, as part of the Programme and Budget adjustments for 1996-97, the ILO would hold three-day regional meetings, with a single agenda item, instead of the originally planned regional conferences, in November the Governing Body adopted a set of draft Rules for Regional Meetings, and decided to give effect to them as from 1997 for the Regional Meeting to be held in Asia, on an experimental basis, before they are submitted to the International Labour Conference for confirmation. The proposed new Rules are designed to accommodate the arrangements for the Regional Meetings, which are intended to provide a platform for tripartite delegations to express their views on the ILO's regional activities.[46]

USE OF THE INTERNET

The ILO set up a site on the Internet in summer of 1996. Since the beginning of 1997 part of the site[47] has been devoted to the Governing Body. Documents are available on-line, as are standard reference texts related to its work. In March the Governing Body discussed the practical arrangements involved.[48]

OTHER MATTERS

In November, in approving the report of the Meeting of Experts on Workers' Privacy (Geneva, October 1996), the Governing Body authorized distribution of the Code of Practice on the Protection of Workers' Personal Data and the revised Office Commentary on the Code.[49]

In March the Governing Body reviewed its own functioning, deciding that in future all committees can meet twice a year, adopting a schedule for the systematic discussion of programme and budget issues and placing a fundamental policy issue, programme orientation or potential standard-setting topic on the agenda of each major session.

Notes

[1] GB.267/ESP/1.

[2] GB.268/ESP/2; subsequently, the main report was prepared by the ILO under the title *ACC Task Force on Full Employment and Sustainable Livelihoods: Synthesis Report*, ILO, March 1997 (English only).

[3] GB.268/5.

[4] GB.267/5.

[5] GB.268/ESP/4. Extensive background information on the issue can be found in GB.264/ESP/1.

[6] GB.267/ESP/Inf.2.

[7] GB.267/STM/3/1 and GB.267/11, paras. 49-55.

[8] GB.267/9/2, para. 91.

[9] GB.267/17, paras. 4-5.

[10] GB.267/10, paras. 69-70.

[11] GB.267/WP/SDL/2; *Trade, employment and labour standards,* Organisation for Economic Co-operation and Development, Paris, 1996 (OCDE/GD(96)94).

[12] GB.268/WP/SDL/1/3. Paragraph 4 of the Declaration adopted at Singapore reads as follows: "*Core labour standards:* We renew our commitment to the observance of internationally recognized core labour standards. The International Labour Organization (ILO) is the competent body to set and deal with these standards, and we affirm our support for its work in promoting them. We believe that economic growth and development fostered by increased trade and further trade liberalization contribute to the promotion of these standards. We reject the use of labour standards for protectionist purposes, and agree that the comparative advantage of countries, particularly low-wage developing countries, must in no way be put into question. In this regard, we note that the WTO and ILO Secretariats will continue their existing collaboration."

[13] GB.267/WP/SDL/1/1 and GB.268/WP/SDL/1/2 and Add.

[14] GB.267/WP/SDL/3. The reports reviewed were: UNCTAD's *World Investment Report 1996,* and the section on foreign direct investment in the OECD report entitled *Trade, Employment and Labour Standards (1996).* Material was also drawn from the World Bank's *World Development Report 1995: Workers in an Integrating World,* an IMF working paper entitled *Foreign Direct Investment in the World Economy* (June 1995) and a 1995 OECD monograph entitled *Foreign Direct Investment, Trade and Employment.*

[15] GB.268/2.

[16] GB.268/LILS/7 and Add.1.

[17] *Standard-setting policy: The strengthening of the ILO's supervisory system* (GB.267/LILS/5 and GB.268/LILS/6). See also reports of the Committee on Legal Issues and International Labour Standards: Second report — International labour standards (GB.267/9/2; GB.268/8/2).

[18] *Conventions in need of revision: second stage* (GB.267/LILS/WP/PRS/2); and *third stage* (GB.268/LILS/WP/PRS/1 and Corr.).

[19] Reports of the Committee on Legal Issues and International Labour Standards: Second report — International labour standards (GB.267/9/2; GB.268/8/2).

[20] See *Note on Standing Orders questions.*

[21] GB.268/LILS/8.

[22] GB.268/5.

[23] GB.267/TC/2.

[24] *Review of the activities of the multidisciplinary teams in relation to standards:* GB.267/LILS/6.

[25] *Reports of the Committee on Freedom of Association:* GB.267/7 and GB.268/6.

[26] Brazil: GB.268/14/4; Congo: GB.268/14/6; Costa Rica: GB.266/8/1; Greece: GB.268/14/7; Guatemala: GB.267/15/3; Peru: GB.266/8/4 and GB.267/15/2; Turkey: GB.268/14/5; Uruguay: GB.267/15/4; Venezuela: GB.268/14/9.

[27] GB.267/16/2; GB.268/15/1 and GB.268/14/8.

[28] GB.267/9/2, para. 108.

[29] GB.268/LILS/11.

[30] GB.267/TC/1.

[31] GB.268/12.

[32] GB.267/TC/2.

[33] GB.267/TC/3.

[34] The standard agenda is: *November:* 1. Annual report on technical cooperation; 2. The ILO's resource mobilization strategy. 3. Operational developments in the UN system; 4. UN Joint Inspection Unit report. 5. Internal measures taken to enhance the ILO's technical cooperation programme. *March:* 1. Report on the implementation of the Active Partnership Policy; 2. Impact assessment/evaluation paper on ILO technical cooperation. 3. Information on the development of new global programmes; 4. Child labour.

[35] GB.268/MNE/1/1, GB.268/MNE/1/2 and GB.268/9.

[36] GB.267/8/1, para. 33.

[37] GB.267/8/1, para. 110 and Appendix II.

[38] GB.267/8/1 and GB.268/7/1.

[39] GB.267/11, paras. 5-18. These were: *Chemical industries:* Voluntary initiatives affecting training and education on safety, health and environment; *Commerce:* Human resource implications of globalization and restructuring in commerce; *Food, drink and tobacco:* Technology and employment in the food and drink industries; *Health services:* Terms of employment and working conditions in health sector reforms; *Maritime, ports, fisheries and inland waterways:* Safety and health in the fishing industry; *Mechanical and electrical engineering:* The impact of flexible labour market arrangements in the machinery, electrical and electronic industries; *Mining (coal mines and other mines):* Social and labour issues in small-scale mines; *Oil and gas production and oil refining:* Employment and industrial relations issues in oil refining; *Postal and other communication services:* The human resources dimension of structural and regulatory changes and globalization in postal and telecommunications services; *Public service:* Human resource development in the public service in the context of structural adjustment and transition; *Transport (including civil aviation, railways and road transport):* The social and labour consequences of technological developments, deregulation and privatization of transport; *Utilities:* Managing the privatization and restructuring of public utilities.

[40] GB.268/STM/1 and GB.268/11, paras. 2-60.

[41] GB.267/STM/2 and GB.267/11, paras.19-48.

[42] GB.267/PFA/7 and GB.267/8/1, paras. 55-90.

[43] These are: the details of any vote taken, as well as the reply by the Secretary-General, will be produced immediately; a secretariat service will be set up where delegates can obtain, on request, copies of individual speeches as submitted by the speakers; the record of statements made in plenary will be produced as soon as possible after the conclusion of the Conference.

[44] GB.268/2.

[45] GB.268/3.

[46] GB.267/9/1, Appendix I. The main changes proposed in the new Rules as compared with those for Regional Conferences are the following: (a) there is no provision for a Governing Body delegation; (b) composition of the meeting is simplified as far as the participation of official and non-governmental international organizations are concerned — they would now all need to be specifically invited by the Governing Body (Article 1, para. 6); non-governmental organizations would only be able to circulate statements (Article 9, para. 4); (c) the only Committee provided for is a Credentials Committee, and therefore resolutions could only be submitted on items relating to the agenda of the meeting. As there would be no Selection Committee, the Officers of the Meeting would arrange the programme of work of the meeting (Article 6, para. 5); (d) concerning credentials (Article 8), in view of the short duration of the Meetings, these would have to be submitted 30 days in advance of the opening so that a provisional list could be made available before the opening of the meeting. Objections would have to be submitted by 11 a.m. on the first day of the meeting. The Credentials Committee would have to submit a report promptly on each objection it received; (e) in view of the reduction in duration of the Meetings, the time-limit for speeches would be reduced and further restrictions made on the right to address the Meeting (Article 9); (f) decisions would, whenever practicable, be taken by consensus or, where this could not be achieved, by show of hands (Article 10, para. 3). There would be no provision for a record vote or secret ballot, although voting by such means would not be excluded (see the word "normally" in Article 10, para. 4).

[47] http://www.ilo.org

[48] GB.268/LILS/3.

[49] GB.267/6, paras. 6-8.

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No. 4 – Tuesday, 3 June 1997

PRINTED IN SWITZERLAND

International Labour Conference

Provisional Record

Eighty-fifth Session, Geneva, 1997

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Second item on the agenda: Programme and budget proposals and other financial questions

Further information and proposals submitted by the Governing Body of the International Labour Office to the 85th Session of the Conference

Information concerning the status of collection of member States' contributions is contained in the appendix to this paper and is provided by the Governing body in accordance with normal practice.

Appendix

Contributions received and outstanding
Details of movements between 31 December 1996 and 31 May 1997

(in Swiss francs)

State	Contributions and amounts outstanding as at 31 December 1996	Assessed Contributions for 1997 %	Assessed Contributions for 1997 Amount	Amounts received or credited (1) to 31 May 1997 in respect of 1997 Contributions	Amounts received or credited (1) to 31 May 1997 in respect of Arrears	Balance due as at 31 May 1997
A. *States which have settled their 1997 contributions in full*						
Australia	–	1.46	4 907 206	4 907 206	–	–
Austria	–	0.86	2 890 546	2 890 546	–	–
Bahamas	–	0.02	67 222	67 222	–	–
Bangladesh (2)	–	0.01	33 611	33 611	–	–
Barbados	–	0.01	33 611	33 611	–	–
Belgium	–	0.99	3 327 489	3 327 489	–	–
Belize	33 489	0.01	33 611	33 611	33 489	–
Canada (2)	–	3.07	10 318 577	10 318 577	–	–
Colombia	–	0.10	336 110	336 110	–	–
Cyprus	–	0.03	100 833	100 833	–	–
Czech Republic	–	0.25	840 275	840 275	–	–
Denmark (2)	–	0.71	2 386 381	2 386 381	–	–
Egypt (2)	–	0.08	268 888	268 888	–	–
Eritrea	–	0.01	33 611	33 611	–	–
Ethiopia	–	0.01	33 611	33 611	–	–
Fiji	–	0.01	33 611	33 611	–	–
Finland	–	0.61	2 050 271	2 050 271	–	–
France	–	6.33	21 275 763	21 275 763	–	–
Hungary	–	0.14	470 554	470 554	–	–
Iceland	–	0.03	100 833	100 833	–	–
India	–	0.30	1 008 330	1 008 330	–	–
Indonesia (2)	–	0.14	470 554	470 554	–	–
Ireland	–	0.21	705 831	705 831	–	–
Italy	–	5.18	17 410 498	17 410 498	–	–
Jamaica	–	0.01	33 611	33 611	–	–
Jordan	–	0.01	33 611	33 611	–	–
Kenya	13 315	0.01	33 611	33 611	13 315	–
Korea, Republic of	1 400 000	0.81	2 722 491	2 722 491	1 400 000	–
Luxembourg	–	0.07	235 277	235 277	–	–
Malaysia	–	0.14	470 554	470 554	–	–
Malta (2)	–	0.01	33 611	33 611	–	–
Morocco	7 012	0.03	100 833	100 833	7 012	–
Mozambique	8 719	0.01	33 611	33 611	8 719	–
Mauritius (2)	–	0.01	33 611	33 611	–	–
Myanmar (2)	–	0.01	33 611	33 611	–	–
Namibia (2)	–	0.01	33 611	33 611	–	–
Netherlands	–	1.57	5 276 927	5 276 927	–	–
New Zealand	–	0.24	806 664	806 664	–	–
Norway	–	0.55	1 848 605	1 848 605	–	–
Panama	–	0.01	33 611	33 611	–	–
Poland (5)	8 700 359	0.32	1 075 552	1 075 552	790 942	7 909 417
Portugal	454 851	0.27	907 497	907 497	454 851	–
Qatar (2)	–	0.04	134 444	134 444	–	–
Romania	359 477	0.15	504 165	504 165	359 477	–
Saint Kitts and Nevis (6)	–	0.01	33 611	33 611	–	–
Saint Lucia	–	0.01	33 611	33 611	–	–
San Marino	–	0.01	33 611	33 611	–	–
Saudi Arabia	–	0.70	2 352 770	2 352 770	–	–
Slovakia	–	0.08	268 888	268 888	–	–
South Africa	–	0.31	1 041 941	1 041 941	–	–
Spain	–	2.35	7 898 585	7 898 585	–	–
Sri Lanka	–	0.01	33 611	33 611	–	–
Sweden	–	1.21	4 066 931	4 066 931	–	–
Switzerland	–	1.19	3 999 709	3 999 709	–	–
Thailand	–	0.13	436 943	436 943	–	–
United Kingdom	–	5.25	17 645 775	17 645 775	–	–
Viet Nam (3)	134 200	0.01	33 611	33 611	12 190	122 010
	11 111 422	36.12	121 402 932	121 402 932	3 079 995	8 031 427
B. *States which have paid part of their 1997 contributions*						
Algeria	–	0.16	537 776	209 728	–	328 048
Chile	–	0.08	268 888	152 755	–	116 133
Costa Rica	17 231	0.01	33 611	1 611	17 231	32 000
El Salvador	–	0.01	33 611	3 076	–	30 535
Guinea	–	0.01	33 611	1 372	–	32 239
Lebanon	32 972	0.01	33 611	4 048	32 972	29 563
Malawi	–	0.01	33 611	26 386	–	7 225
Nicaragua	–	0.01	33 611	2 670	–	30 941

Contributions received and outstanding
Details of movements between 31 December 1996 and 31 May 1997
(in Swiss francs)

State	Contributions and amounts outstanding as at 31 December 1996	Assessed Contributions for 1997		Amounts received or credited (1) to 31 May 1997 in respect of		Balance due as at 31 May 1997
		%	Amount	1997 Contributions	Arrears	
B. ***States which have paid part of their 1997 contributions (cont'd)***						
Philippines	3 760	0.06	201 666	1 549	3 760	200 117
Turkey	4 836	0.37	1 243 607	397 523	4 836	846 084
Tunisia	80 127	0.03	100 833	18 141	80 127	82 692
	138 926	**0.76**	**2 554 436**	**818 859**	**138 926**	**1 735 577**
C. ***States which have made no payments, but have received credits towards their 1997 contributions***						
Albania (3)	100 423	0.01	33 611	840	–	133 194
Bahrain	–	0.02	67 222	59	–	67 163
Benin	–	0.01	33 611	498	–	33 113
Botswana	–	0.01	33 611	745	–	32 866
Burundi	33 502	0.01	33 611	1 107	–	66 006
China	–	0.73	2 453 603	40 753	–	2 412 850
Germany	–	8.93	30 014 623	476 961	–	29 537 662
Japan	–	15.43	51 861 773	524 471	–	51 337 302
Kuwait	629 831	0.19	638 609	21 103	629 831	617 506
Mali	50 739	0.01	33 611	413	–	83 937
Mexico	–	0.78	2 621 658	2 405	–	2 619 253
Mongolia	–	0.01	33 611	863	–	32 748
Nepal	–	0.01	33 611	395	–	33 216
Oman	–	0.04	134 444	2 446	–	131 998
Papua New Guinea	–	0.01	33 611	918	–	32 693
Paraguay (3) (4)	1 091 817	0.01	33 611	1 681	81 874	1 041 873
Singapore	–	0.14	470 554	13 390	–	457 164
Slovenia	–	0.07	235 277	9 774	–	225 503
Sudan	33 572	0.01	33 611	128	–	67 055
Syrian Arab Republic	–	0.05	168 055	1 787	–	166 268
Tanzania, United Republic of	66 515	0.01	33 611	414	–	99 712
Zimbabwe	–	0.01	33 611	917	–	32 694
	2 006 399	**26.50**	**89 069 150**	**1 102 068**	**711 705**	**89 261 776**
D. ***States which have made no payments and have received no credits towards their 1997 contributions***						
Afghanistan (4)	67 433	0.01	33 611	–	–	101 044
Angola (4)	134 479	0.01	33 611	–	–	168 090
Antigua and Barbuda (4)	164 190	0.01	33 611	–	–	197 801
Argentina	3 154 424	0.47	1 579 717	–	597 411	4 136 730
Armenia (4)	1 510 480	0.05	168 055	–	–	1 678 535
Azerbaijan (4)	2 998 424	0.11	369 721	–	–	3 368 145
Belarus (4)	5 051 854	0.27	907 497	–	–	5 959 351
Bolivia	42 016	0.01	33 611	–	–	75 627
Bosnia and Herzegovina (4)	385 309	0.01	33 611	–	–	418 920
Brazil	10 438 534	1.60	5 377 760	–	2 186 400	13 629 894
Bulgaria	308 360	0.08	268 888	–	9 721	567 527
Burkina Faso	36 257	0.01	33 611	–	35 533	34 335
Cambodia (5)	486 626	0.01	33 611	–	–	520 237
Cameroon (4)	96 827	0.01	33 611	–	–	130 438
Cape Verde (4)	130 790	0.01	33 611	–	–	164 401
Central African Republic (4)	102 333	0.01	33 611	–	–	135 944
Chad (4)	222 909	0.01	33 611	–	–	256 520
Comoros (4)	440 297	0.01	33 611	–	–	473 908
Congo (4)	120 651	0.01	33 611	–	–	154 262
Côte d'Ivoire	33 611	0.01	33 611	–	33 611	33 611
Croatia	1 177 837	0.09	302 499	–	439 686	1 040 650
Cuba	762 750	0.05	168 055	–	365 634	565 171
Djibouti (4)	209 207	0.01	33 611	–	–	242 818
Dominica	78 438	0.01	33 611	–	22 410	89 639
Dominican Republic (4)	1 153 755	0.01	33 611	–	–	1 187 366
Ecuador (4)	206 190	0.02	67 222	–	–	273 412
Equatorial Guinea (4)	290 463	0.01	33 611	–	–	324 074
Estonia	317 320	0.04	134 444	–	215 218	236 546
Gabon	39 965	0.01	33 611	–	–	73 576
Gambia	33 023	0.01	33 611	–	–	66 634

Contributions received and outstanding
Details of movements between 31 December 1996 and 31 May 1997
(in Swiss francs)

State	Contributions and amounts outstanding as at 31 December 1996	Assessed Contributions for 1997		Amounts received or credited (1) to 31 May 1997 in respect of		Balance due as at 31 May 1997
		%	Amount	1997 Contributions	Arrears	
D. ***States which have made no payments and have received no credits towards their 1997 contributions (cont'd)***						
Georgia (4)	2 159 197	0.11	369 721	–	–	2 528 918
Ghana	35 267	0.01	33 611	–	–	68 878
Greece	1 422 875	0.37	1 243 607	–	1 169 308	1 497 174
Grenada (4)	74 840	0.01	33 611	–	–	108 451
Guatemala	164 860	0.02	67 222	–	59 217	172 865
Guinea-Bissau (4)	175 937	0.01	33 611	–	–	209 548
Guyana	12 317	0.01	33 611	–	–	45 928
Haiti (4)	163 717	0.01	33 611	–	71 329	125 999
Honduras	34 442	0.01	33 611	–	34 144	33 909
Iran, Islamic Republic of	6 631 868	0.44	1 478 884	–	2 600 000	5 510 752
Iraq (4)	3 438 215	0.14	470 554	–	–	3 908 769
Israel	1 604 180	0.26	873 886	–	270 000	2 208 066
Kazakstan (4)	3 644 726	0.19	638 609	–	–	4 283 335
Kyrgyzstan (4)	844 659	0.03	100 833	–	–	945 492
Lao People's Democratic Republic	–	0.01	33 611	–	–	33 611
Latvia (4)	1 357 634	0.08	268 888	–	–	1 626 522
Lesotho	–	0.01	33 611	–	–	33 611
Liberia (4)	164 136	0.01	33 611	–	–	197 747
Libyan Arab Jamahiriya	1 613 015	0.20	672 220	–	1 270 231	1 015 004
Lithuania	1 296 123	0.08	268 888	–	516 399	1 048 612
Madagascar	104 931	0.01	33 611	–	64 048	74 494
Mauritania	30 178	0.01	33 611	–	–	63 789
Moldova, Republic of (4)	2 034 667	0.08	268 888	–	–	2 303 555
Niger	30 652	0.01	33 611	–	–	64 263
Nigeria	596 409	0.11	369 721	–	–	966 130
Pakistan	206 260	0.06	201 666	–	199 815	208 111
Peru	179 870	0.06	201 666	–	–	381 536
Russian Federation	33 437 428	4.21	14 150 231	–	7 202 800	40 384 859
Rwanda (4)	90 650	0.01	33 611	–	–	124 261
Saint Vincent and the Grenadines	33 611	0.01	33 611	–	19 923	47 299
Sao Tome and Principe (4)	136 432	0.01	33 611	–	–	170 043
Senegal (4)	71 551	0.01	33 611	–	–	105 162
Seychelles	100 015	0.01	33 611	–	59 752	73 874
Sierra Leone (4)	367 419	0.01	33 611	–	–	401 030
Solomon Islands (4)	130 895	0.01	33 611	–	–	164 506
Somalia (4)	273 631	0.01	33 611	–	–	307 242
Suriname	29 023	0.01	33 611	–	–	62 634
Swaziland	–	0.01	33 611	–	–	33 611
Tajikistan (4)	419 939	0.02	67 222	–	–	487 161
Togo (4)	152 140	0.01	33 611	–	–	185 751
Trinidad and Tobago	–	0.03	100 833	–	–	100 833
Turkmenistan (4)	564 922	0.03	100 833	–	–	665 755
Uganda	33 611	0.01	33 611	–	33 611	33 611
Ukraine	10 912 911	1.07	3 596 377	–	2 062 773	12 446 515
United Arab Emirates	–	0.19	638 609	–	–	638 609
United States	42 031 314	25.00	84 027 500	–	–	126 058 814
Uruguay	267 715	0.04	134 444	–	135 228	266 931
Uzbekistan (4)	2 592 848	0.13	436 943	–	–	3 029 791
Venezuela	1 868 177	0.32	1 075 552	–	1 708 942	1 234 787
Yemen (4)	90 285	0.01	33 611	–	–	123 896
The former Yug. Rep. Macedonia (4)	101 255	0.01	33 611	–	–	134 866
Yugoslavia (4)	5 500 879	0.10	336 110	–	–	5 836 989
Zaire	32 371	0.01	33 611	–	–	65 982
Zambia	95 834	0.01	33 611	–	90 820	38 625
	157 550 583	36.63	123 117 093	–	21 473 964	259 193 712
	170 807 330	100.01	336 143 611	123 323 859	25 404 590	358 222 492

Notes to Appendix : **Contributions received and outstanding**
Details of movements between 31 December 1996 and 31 May 1997

1 Amounts credited against 1997 assessed contributions represent the distribution of credits to eligible member States in respect of:

	Swiss francs
The incentive scheme for 1995	3 397 676
50 per cent of the net premium earned in 1994-95	1 528 629
Total credits	4 926 305

2 States which paid before 1 January 1997.

3 Includes amounts due for prior periods of membership in the ILO.

4 Member States which, at 31 May 1997, were subject to the provisions of paragraph 4 of article 13 of the Constitution of the Organization and have lost the right to vote. Arrangements had been approved for Paraguay at the 78th (1991) Session, and for both Sierra Leone and Togo at the 83rd (1996) Session of the International Labour Conference, but these member States have again lost the right to vote because they have not respected these arrangements.

5 Although Cambodia and Poland were subject to the provisions of paragraph 4 of article 13 of the Constitution of the Organization they are permitted to vote under financial arrangements approved by the 83rd (1996) and 75th (1988) Sessions of the International Labour Conference respectively.

6 Provisional assessment pending approval by the International Labour Conference.

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Second item on the agenda: Programme and budget proposals and other financial questions

Further information and proposals submitted by the Governing Body of the International Labour Office to the 85th Session of the Conference 1

RECORD VOTES

Vote par appel nominal sur la résolution concernant les arriérés de contributions du Cap Vert
Record vote on the resolution concerning the arrears of contributions of Cape Verde
Votación nominal relativa a la resolución sobre las contribuciones atrasadas de Cabo Verde

Pour/For/En Pro: 380

Afrique du Sud/South Africa/Sudáfrica:
NKOSI, Mr. (G)
JOHANNES, Mr. (G)
BOTHA, Mr. (E)

Algérie/Algeria/Argelia:
MESSAOUI, M. (G)
BOUTALEB, M. (G)

Allemagne/Germany/Alemania:
WILLERS, Mr. (G)
FENDRICH, Mr. (G)
THÜSING, Mr. (E)
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AL KHALIDI, Mr. (G)
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DA COSTA, M. (E)
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ADIYA, Mr.(T/W)

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LUIS FRANCISCO, Mrs. (G)
MANJAZE, Mr.(T/W)

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SHWE, Mr. (G)
WIN, Mr. (E)
MIN, Mr.(T/W)

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SHINGUADJA, Mr. (G)
HILL, Mr. (E)
MUHEUA, Mr.(T/W)

Nicaragua:
MONTENEGRO MALLONA, Sr. (G)

Niger/Níger:
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MAMADOU, M. (G)
SABO, M. (E)

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BRUAAS, Mr. (G)
KAADA, Mr. (E)
BUVERUD PEDERSEN, Mrs.(T/W)

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STOCKDILL, Mr. (G)
MARSHALL, Mr. (E)

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KOFAN, Mr. (G)
EL SHANFRY, Mr.(T/W)

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BANYA, Mrs. (G)
KASWARRA, Mr. (E)
ONGABA, Mr.(T/W)

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QAZI, Mr. (G)
AHMED, Mr.(T/W)

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KAM, Sr. (G)

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BALOILOI, Ms. (G)
NANA, Mr. (E)

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HUNTJENS, Mr. (E)
ETTY, Mr.(T/W)

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POTOCNIK, Mr. (E)
FRAS, Mrs.(T/W)

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ABDOON, Mr.(T/W)

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ARTIN, Mr. (E)
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MARICA, Mr. (G)

Swaziland/Swazilandia:
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SITHOLE, Mr.(T/W)

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NASSER, M. (G)
KABBOUL, M.(T/W)

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KILLO, Mr. (G)
MAENDA, Mr. (E)
KACHIMA, Mr.(T/W)

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SOMOL, Mr. (G)
KUBICKOVA, Ms. (E)
BERAN, Mr.(T/W)

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NAKCHUEN, Mr. (G)
BHAKDIBADHANABANIJ, Mr. (E)
BOONRAT, Mr.(T/W)

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HILTON-CLARKE, Mr. (E)

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KCHAOU, M. (G)
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SEREF, Mr. (G)
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Ukraine/Ucrania:
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VINOKOUROV, M. (G)
PONOMAREV, M. (E)
CHILOV, M.(T/W)

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DUTRA, Sr. (G)
PIVEL, Sr. (E)
ZAPIRAIN, Sr.(T/W)

Venezuela:
CORRALES LEAL, Sr. (G)
DE ARBELOA, Sr. (E)
RAMÍREZ LÉON, Sr.(T/W)

Viet Nam:
NGUYEN KIM, M. (G)
PHAN DUC, M. (G)
NGUYEN TIEN, M. (E)
HOANG MINH, M.(T/W)

Zambie/Zambia:
YOYO, Mr. (G)
NYIRENDA, Mr. (G)
MUSANA, Mr. (E)
CHIRWA, Mr.(T/W)

Contre/Against/En contra: 2

Chypre/Cyprus/Chipre:
ANTONIOU, Mr.(T/W)

Gabon/Gabón:
MAYOMBO, M.(T/W)

Abstentions/Abstentions/Abstenciones: 1

Estonie/Estonia:
REMMEL, Ms. (E)

Vote par appel nominal sur la résolution concernant les arriérés de contributions de la République Dominicaine
Record vote on the resolution concerning the arrears of contributions of the Dominican Republic
Votación nominal relativa a la resolución sobre las contribuciones atrasadas de la Republica Dominica

Pour/For/En Pro: 385

Afrique du Sud/South Africa/Sudáfrica:
NKOSI, Mr. (G)
JOHANNES, Mr. (G)
BOTHA, Mr. (E)

Algérie/Algeria/Argelia:
MESSAOUI, M. (G)
BOUTALEB, M. (G)

Allemagne/Germany/Alemania:
WILLERS, Mr. (G)
FENDRICH, Mr. (G)
THÜSING, Mr. (E)
ENGELEN-KEFER, Mrs.(T/W)

Arabie saoudite/Saudi Arabia/Arabia Saudita:
KENTAB, Mr. (G)
AL KHALIDI, Mr. (G)
DAHLAN, Mr. (E)
JUMMA, Mr.(T/W)

Argentine/Argentina:
BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
FUNES DE RIOJA, Sr. (E)
BALDASSINI, Sr.(T/W)

Australie/Australia:
FISHER, Mr. (G)
MOORE, Mr. (G)
NOAKES, Mr. (E)

Autriche/Austria:
MELAS, Mr. (G)
LANGHAMMER, Mr. (G)
ARBESSER-RASTBURG, Mr. (E)
RAUB, Mr.(T/W)

Bahamas:
SYMONETTE, Mr. (G)
DEAN, Mr. (G)
JOHNSON-SMITH, Mrs. (E)
CARTER, Mr.(T/W)

Bahreïn/Bahrain/Bahrein:
ZAIN AL-ABEDIN, Mr. (E)
HASSAN FULAD, Mr.(T/W)

Bangladesh:
SARKAR, Mr. (G)
CHOWDHURY, Mr. (G)
HYDER, Mr. (E)

Barbade/Barbados:
TROTMAN, Mr.(T/W)

Belgique/Belgium/Bélgica:
VAN DEPOELE, M. (G)
VANDAMME, M. (G)
DA COSTA, M. (E)
DE VITS, Mme(T/W)

Belize/Belice:
BENNETT, Mr. (G)

Bénin/Benin:
ONI, M. (G)
ADONON, Mme (G)
GLELE, M. (E)
LAWANI, M.(T/W)

Bolivie/Bolivia:
QUISPE CALLISAYA, Sr. (G)
ESPAÑA SMITH, Sr. (E)

Botswana:
SEBELE, Mr. (G)
PALAI, Mr. (G)
MATLHAKU, Mr. (E)
MBONINI, Mr.(T/W)

Brésil/Brazil/Brasil:
ANDRADE RIBEIRO DE OLIVEIRA, Mr. (G)
D'ARAUJO MARTINS, Mr. (E)
DE BARROS, Mr.(T/W)

Bulgarie/Bulgaria:
MIROSLAVOV, Mr. (G)
DETCHEV, Mr. (E)
MANOLOV, Mr.(T/W)

Burundi:
NZEYIMANA, M. (G)

Cambodge/Cambodia/Camboya:
THACH, M. (G)
KEO, M. (G)
CHROENG, M.(T/W)

Cameroun/Cameroon/Camerún:
BELL, M. (G)
SOMBES, M.(T/W)

Canada/Canadá:
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PERLIN, Ms. (G)
LAWSON, Mr. (E)
MALLON, Mr.(T/W)

Chili/Chile:
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MEJIA VIEDMAN, Sr. (G)
ARTHUR ERRAZURIZ, Sr. (E)
BUNNEY TUNACCA, Sr.(T/W)

Chine/China:
ZHANG, Mr. (G)
LI, Mr. (G)
PAN, Mr. (E)
LI, Mr.(T/W)

Chypre/Cyprus/Chipre:
ANTONIOU, Mr.(T/W)

Colombie/Colombia:
ARIAS CASTAÑO, Sra. (G)
CASTRO GUERRERO, Sr. (G)

République de Corée/Republic of Korea/República de Corea:
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KONG, Mr. (G)
CHO, Mr. (E)
KIM, Mr.(T/W)

Costa Rica:
DENGO, Sr. (G)
BROWN YOUNG, Sr.(T/W)

Côte d'Ivoire:
BOA KAMON, M. (G)
N'DRI, M. (G)
AKA ANGHUI, M. (E)
ADIKO, M.(T/W)

Croatie/Croatia/Croacia:
MUSULIN, Mrs. (G)
BEKIC, Mr. (G)
IVANCEVIC, Mr. (E)
KNEZEVIC, Ms.(T/W)

Cuba:
HERNANDEZ OLIVA, Sra. (G)
AMAT FORES, Sr. (G)
GONZALEZ RODRÍGUEZ, Sr. (E)
BERNAL CAMERO, Sr.(T/W)

Danemark/Denmark/Dinamarca:
ADLER, Ms. (G)
HESS, Mr. (G)
RONNEST, Mr. (E)
FOLDBERG, Mr.(T/W)

Egypte/Egypt/Egipto:
EL-GAZZAR, Mrs. (G)
EL-ASSAR, Mr. (G)
BEKHEET, Mr. (E)

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:
AL-SUWAIDI, Mr. (G)
AL-MEHAIRI, Mr. (G)
MATTAR, Mr. (E)
AL-ABDOULY, Mr.(T/W)

Equateur/Ecuador:
RODAS P., Sr. (G)
ANDA S., Sr. (G)
VELOZ CUEVA, Sr.(T/W)

Erythrée/Eritrea:
WOLDEYOHANNES, Mr. (G)

Espagne/Spain/España:
DE SEGOVIA, Sr. (G)
LOPEZ MONIS, Sr. (G)
FERRER DUFOL, Sr. (E)
FRADES, Sr.(T/W)

Estonie/Estonia:
HINDOV, Ms. (G)
MARKSOO, Ms. (G)
REMMEL, Ms. (E)
KAADU, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:
SAMET, Mr. (G)
SMITH, Mr. (G)
POTTER, Mr. (E)
GRAY, Mr.(T/W)

Ethiopie/Ethiopia/Etiopía:
YIMER, Mr. (G)
BESHAH, Mr. (G)
ALEMAYEHU, Mr.(T/W)

Fidji/Fiji:
LOBENDAHN, Mr. (G)
KURUDUADUA, Mr. (G)
ROBERTS, Mr. (E)

Finlande/Finland/Finlandia:
SALMENPERA, Mr. (G)
RAIVIO, Ms. (G)
RISKI, Mr. (E)
VALKONEN, Ms.(T/W)

France/Francia:
CHOTARD, M. (G)
CARTIER, M. (G)
OECHSLIN, M. (E)
DELHOMENIE, M.(T/W)

Gabon/Gabón:
NDONG-NANG, M. (G)
NDONG MVIE, M. (G)
ABOUGHE OBAME, M. (E)

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AGGREY-ORLEANS, Mrs. (G)
BEBAAKO-MENSAH, Mr. (G)
OWUSU, Mr. (E)
APPIAH AGYEI, Mr.(T/W)

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COUNDOUREAS, Mr. (G)
DELIGIANNAKIS, Mr.(T/W)

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MENENDEZ CASTEJON, Sr. (E)

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DABO, M. (E)
TOURE, M.(T/W)

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BU FIGUEROA, Sra. (G)
MARTINEZ, Sr. (E)
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Hongrie/Hungary/Hungría:
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HÉTHY, Mr. (G)
GARAMSZEGI, Mr. (E)
FÖCZE, Mr.(T/W)

Inde/India:
ANAND, Mr. (E)
VENUGOPAL, Mr.(T/W)

Indonésie/Indonesia:
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WARSITO, Mr. (G)
THAMRIN, Mr. (E)
PATUNRU, Mr.(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:
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SALIMIAN, Mr.(T/W)

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MCAULEY, Mr. (E)

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MAGNÚSSEN, Mr. (E)
HARALDSSON, Mr.(T/W)

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KARA, Mr.(T/W)

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ITO, Mr.(T/W)

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ALMAAZTEH, Mr.(T/W)

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OWUOR, Mr. (E)

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AL-ENAIZY, Mr. (G)
AL-OMAR, Mr. (E)

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MANDORO, Mr. (G)
MAKEKA, Mr. (E)
TSUKULU, Mr.(T/W)

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SENUSSI, Mr. (G)
KWAIRY, Mr. (E)
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WIN, Mr. (E)
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IMOISILI, Mr. (E)

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STOCKDILL, Mr. (G)
MARSHALL, Mr. (E)

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ELYEHIAEY, Mr. (G)
EL SHANFRY, Mr.(T/W)

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KASWARRA, Mr. (E)
ONGABA, Mr.(T/W)

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QAZI, Mr. (G)
TABANI, Mr. (E)
AHMED, Mr.(T/W)

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CASTILLO MIRANDA, Sr.(T/W)

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BALOILOI, Ms. (G)
NANA, Mr. (E)

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HUNTJENS, Mr. (E)
ETTY, Mr.(T/W)

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ZAVALA-COSTA, Sr. (E)
LAZO-PERALTA, Sr.(T/W)

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VARELA, Mr. (E)
TAN, Mr.(T/W)

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CIESLAK, Mr. (G)
WAJDA, Mr.(T/W)

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CARVALHO, M.(T/W)

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AL-KHALIFA, Mr. (G)
SHAMS, Mr.(T/W)

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SIMION, M. (E)
COLCEAG, M.(T/W)

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MANGIANTI, Mme (E)
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TKAC, Mr. (G)
HRDINA, Mr. (E)
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LOGAR, Mr. (G)
POTOCNIK, Mr. (E)
FRAS, Mrs.(T/W)

Soudan/Sudan/Sudán:
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HAIDOUB, Mr. (G)
BAKHEIT, Mr. (E)
ABDOON, Mr.(T/W)

Sri Lanka:
PIYADIGAMA, Mr. (G)
DASANAYAKE, Mr. (E)

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WIKLUND, Ms. (G)
ARTIN, Mr. (E)
ZETTERVALL-THAPPER, Ms.(T/W)

Suisse/Switzerland/Suiza:
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ELMIGER, M. (G)
PLASSARD, M. (E)
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MARICA, Mr. (G)

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KABBOUL, M.(T/W)

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MAENDA, Mr. (E)
KACHIMA, Mr.(T/W)

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RYCHLY, Mr. (G)
KUBICKOVA, Ms. (E)
BERAN, Mr.(T/W)

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HILTON-CLARKE, Mr. (E)

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CHOUBA, Mme (G)
KCHAOU, M. (G)
M'KAISSI, M. (E)
GHODHBANI, M.(T/W)

Turquie/Turkey/Turquía:
DURUSOY, Mr. (G)
SEREF, Mr. (G)
CENTEL, Mr. (E)

Ukraine/Ucrania:
YAMPOLSKY, M. (G)
MAIMESKOUL, M. (G)
PONOMAREV, M. (E)
CHILOV, M.(T/W)

Uruguay:
MANGADO, Sr. (G)
DUTRA, Sr. (G)
PIVEL, Sr. (E)
ZAPIRAIN, Sr.(T/W)

Venezuela:
CORRALES LEAL, Sr. (G)
DE ARBELOA, Sr. (E)
RAMÍREZ LÉON, Sr.(T/W)

Viet Nam:
NGUYEN KIM, M. (G)
PHAN DUC, M. (G)
NGUYEN TIEN, M. (E)
HOANG MINH, M.(T/W)

Zambie/Zambia:
YOYO, Mr. (G)
NYIRENDA, Mr. (G)
MUSANA, Mr. (E)
CHIRWA, Mr.(T/W)

Contre/Against/En contra: 1

Guatemala:
MENDEZ DIAZ, Sr.(T/W)

Abstentions/Abstentions /Abstenciones: 5

Gabon/Gabón:
MAYOMBO, M.(T/W)

Liban/Lebanon/Líbano:
GHORAEB, M. (G)
SAAB, Mme (G)

Zimbabwe:
DZVITI, Mr. (G)
MUNYIRA, Mr. (G)

Vote par appel nominal sur la résolution concernant les arriérés de contributions de Djibouti
(En raison d'un problème technique, les résultats détaillés du vote ne sont pas disponibles)

Record vote on the resolution concerning the arrears of contributions of Djibouti
(Due to a technical fault, the detailed results of the vote are unavailable)

Votación nominal relativa a la resolución sobre las contribuciones atrasadas de Djibouti
(A causa de un fallo técnico, no se dispone de los resultados detallados de la votación)

Pour / For / En Pro: 390
Contre / Against / En contra: 1
Abstentions / Abstentions / Abstenciones: 2

Vote par appel nominal sur la résolution concernant l'adoption du programme et budget pour 1998-99 et la répartition du budget des recettes entre les Etats Membres

Record vote on the resolution concerning the adoption of the Programme and Budget for 1998-99 and the allocation of the budget of income among member States

Votación nominal sobre la resolución relativa a la adopción del Programa y Presupuesto para 1998-99 y el prorrateo del presupuesto de ingresos entre los Estados Miembros

Pour/For/En Pro: 379

Afrique du Sud/South Africa/Sudáfrica:
NKOSI, Mr. (G)
JOHANNES, Mr. (G)

Algérie/Algeria/Argelia:
MESSAOUI, M. (G)
BOUTALEB, M. (G)

Allemagne/Germany/Alemania:
WILLERS, Mr. (G)
FENDRICH, Mr. (G)
THÜSING, Mr. (E)
ENGELEN-KEFER, Mrs.(T/W)

Arabie saoudite/Saudi Arabia/Arabia Saudita:
KENTAB, Mr. (G)
AL KHALIDI, Mr. (G)
JUMMA, Mr.(T/W)

Argentine/Argentina:
BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
FUNES DE RIOJA, Sr. (E)
BALDASSINI, Sr.(T/W)

Australie/Australia:
FISHER, Mr. (G)
MOORE, Mr. (G)
NOAKES, Mr. (E)

Autriche/Austria:
MELAS, Mr. (G)
LANGHAMMER, Mr. (G)
ARBESSER-RASTBURG, Mr. (E)
RAUB, Mr.(T/W)

Bahamas:
SYMONETTE, Mr. (G)
DEAN, Mr. (G)
JOHNSON-SMITH, Mrs. (E)
CARTER, Mr.(T/W)

Bahreïn/Bahrain/Bahrein:
ZAIN AL-ABEDIN, Mr. (E)
HASSAN FULAD, Mr.(T/W)

Bangladesh:
SARKAR, Mr. (G)
CHOWDHURY, Mr. (G)

Barbade/Barbados:
YOUNG, Mr. (G)
TROTMAN, Mr.(T/W)

Belgique/Belgium/Bélgica:
VAN DEPOELE, M. (G)
VANDAMME, M. (G)
DA COSTA, M. (E)
DE VITS, Mme(T/W)

Belize/Belice:
BENNETT, Mr. (G)

Bénin/Benin:
ONI, M. (G)
ADONON, Mme (G)
GLELE, M. (E)
LAWANI, M.(T/W)

Bolivie/Bolivia:
QUISPE CALLISAYA, Sr. (G)
ESPAÑA SMITH, Sr. (E)

Botswana:
SEBELE, Mr. (G)
PALAI, Mr. (G)
MATLHAKU, Mr. (E)
MBONINI, Mr.(T/W)

Brésil/Brazil/Brasil:
ANDRADE RIBEIRO DE OLIVEIRA, Mr. (G)
JATOBA BEZERRA DOS SANTOS, Mr. (G)
D'ARAUJO MARTINS, Mr. (E)
DE BARROS, Mr.(T/W)

Bulgarie/Bulgaria:
MIROSLAVOV, Mr. (G)
DETCHEV, Mr. (E)
MANOLOV, Mr.(T/W)

Burundi:
NZEYIMANA, M. (G)

Cambodge/Cambodia/Camboya:
THACH, M. (G)
KEO, M. (G)
CHROENG, M.(T/W)

Cameroun/Cameroon/Camerún:
BELL, M. (G)
SOMBES, M.(T/W)

Canada/Canadá:
LAWSON, Mr. (E)
MALLON, Mr.(T/W)

Chili/Chile:
BERGUÑO BARNES, Sr. (G)
MEJIA VIEDMAN, Sr. (G)
ARTHUR ERRAZURIZ, Sr. (E)
BUNNEY TUNACCA, Sr.(T/W)

Chine/China:
ZHANG, Mr. (G)
LI, Mr. (G)
PAN, Mr. (E)
LI, Mr.(T/W)

Chypre/Cyprus/Chipre:
ANTONIOU, Mr.(T/W)

Colombie/Colombia:
ARIAS CASTAÑO, Sra. (G)
CASTRO GUERRERO, Sr. (G)

République de Corée/Republic of Korea/República de Corea:
KIM, Mr. (G)
KONG, Mr. (G)
CHO, Mr. (E)
KIM, Mr.(T/W)

Costa Rica:
DENGO, Sr. (G)
BROWN YOUNG, Sr.(T/W)

Côte d'Ivoire:
BOA KAMON, M. (G)
N'DRI, M. (G)
AKA ANGHUI, M. (E)
ADIKO, M.(T/W)

Croatie/Croatia/Croacia:
IVANCEVIC, Mr. (E)
KNEZEVIC, Ms.(T/W)

Cuba:
HERNANDEZ OLIVA, Sra. (G)
AMAT FORES, Sr. (G)
GONZALEZ RODRÍGUEZ, Sr. (E)
BERNAL CAMERO, Sr.(T/W)

Danemark/Denmark/Dinamarca:
ADLER, Ms. (G)
HESS, Mr. (G)
RONNEST, Mr. (E)
FOLDBERG, Mr.(T/W)

Djibouti:

DAACH, M. (G)
ACHKIR, M. (G)

Egypte/Egypt/Egipto:

EL-GAZZAR, Mrs. (G)
EL-ASSAR, Mr. (G)
BEKHEET, Mr. (E)
EL-AZALY, Mr.(T/W)

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:

AL-SUWAIDI, Mr. (G)
AL-MEHAIRI, Mr. (G)
MATTAR, Mr. (E)
AL-ABDOULY, Mr.(T/W)

Equateur/Ecuador:

RODAS P., Sr. (G)
ANDA S., Sr. (G)
VELOZ CUEVA, Sr.(T/W)

Erythrée/Eritrea:

WOLDEYOHANNES, Mr. (G)

Espagne/Spain/España:

DE SEGOVIA, Sr. (G)
LOPEZ MONIS, Sr. (G)
FERRER DUFOL, Sr. (E)
FRADES, Sr.(T/W)

Estonie/Estonia:

HINDOV, Ms. (G)
MARKSOO, Ms. (G)
REMMEL, Ms. (E)
KAADU, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:

SAMET, Mr. (G)
SMITH, Mr. (G)
POTTER, Mr. (E)
GRAY, Mr.(T/W)

Ethiopie/Ethiopia/Etiopía:

DELELEGN, Mr. (G)
BESHAH, Mr. (G)
ALEMAYEHU, Mr.(T/W)

Fidji/Fiji:

LOBENDAHN, Mr. (G)
KURUDUADUA, Mr. (G)

Finlande/Finland/Finlandia:

SALMENPERA, Mr. (G)
RAIVIO, Ms. (G)
RISKI, Mr. (E)
VALKONEN, Ms.(T/W)

France/Francia:

CHOTARD, M. (G)
CARTIER, M. (G)
BOUSSAT, M. (E)
DELHOMENIE, M.(T/W)

Gabon/Gabón:

NDONG-NANG, M. (G)
NDONG MVIE, M. (G)
ABOUGHE OBAME, M. (E)
MAYOMBO, M.(T/W)

Ghana:

AGGREY-ORLEANS, Mrs. (G)
BEBAAKO-MENSAH, Mr. (G)
OWUSU, Mr. (E)
APPIAH AGYEI, Mr.(T/W)

Grèce/Greece/Grecia:

PROTOPAPAS, Mr. (G)
COUNDOUREAS, Mr. (G)
DASSIS, Mr.(T/W)

Guatemala:

RIVAS SANCHEZ, Sr. (G)
RICCI MUADI, Sr. (E)
MENDEZ DIAZ, Sr.(T/W)

Guinée/Guinea:

DIALLO, M. (G)
DABO, M. (E)
TOURE, M.(T/W)

Honduras:

BATRES, Sr. (G)
BU FIGUEROA, Sra. (G)
MARTINEZ, Sr. (E)
VILLAFRANCA, Sr.(T/W)

Hongrie/Hungary/Hungría:

VARGA, Mr. (G)
HÉTHY, Mr. (G)
GARAMSZEGI, Mr. (E)
FÖCZE, Mr.(T/W)

Inde/India:

VENUGOPAL, Mr.(T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
WARSITO, Mr. (G)
THAMRIN, Mr. (E)
PATUNRU, Mr.(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:

NAJAFI-MANESH, Mr. (E)
SALIMIAN, Mr.(T/W)

Irlande/Ireland/Irlanda:

WHITNEY, Mr. (G)
MCAULEY, Mr. (E)

Islande/Iceland/Islandia:

KRISTINSSON, Mr. (G)
MAGNÚSSEN, Mr. (E)
GUNNARSSON, Mr.(T/W)

Israël/Israel:

BARAK, Mr. (G)
BOUTON, Mr. (G)
GATTEGNO, Mr. (E)
KARA, Mr.(T/W)

Italie/Italy/Italia:

CAVAGLIERI, M. (G)
ALBERTI, M. (G)
SASSO MAZZUFFERI, Mme (E)
VANNI, M.(T/W)

Jamaïque/Jamaica:

THOMAS, Ms. (G)

Japon/Japan/Japón:

TSUNEKAWA, Mr. (G)
HIROMI, Mr. (G)
SUZUKI, Mr. (E)
ITO, Mr.(T/W)

Jordanie/Jordan/Jordania:

SHAHATIT, Mr. (G)
NASSER-AWDEH, Mr. (G)
HABAYBEH, Mr. (E)
ALMAAZTEH, Mr.(T/W)

Kenya:

SABARI, Mr. (G)
TOLLE, Ms. (G)
OWUOR, Mr. (E)

Koweït/Kuwait:

AL'ME'ADADI, Mr. (G)
AL-ENAIZY, Mr. (G)

République dém. populaire du Lao/Lao People's Dem. Rep./República Dem. Pop. Lao:

TANDAVONG, M. (G)
LUANGVILAY, M.(T/W)

Lesotho:

MOHAPELOA, Mr. (G)
MANDORO, Mr. (G)
MAKEKA, Mr. (E)
TSUKULU, Mr.(T/W)

Liban/Lebanon/Líbano:

GHORAEB, M. (G)
SAAB, Mme (G)

Jamahiriya arabe libyenne/Libyan Arab Jamahiriya/Jamahiriya Arabe Libia:

DERBI, Mr. (G)
SENUSSI, Mr. (G)
KWAIRY, Mr. (E)
OSMAN, Mr.(T/W)

Lituanie/Lithuania/Lituania:
MACKONYTE, Ms. (G)
NAVIKAS, Mr. (G)
VIESULAS, Mr. (E)
BALSIENE, Mrs.(T/W)

Luxembourg/Luxemburgo:
HOFFMAN, M. (G)
BEFFORT, M. (E)
PIZZAFERRI, M.(T/W)

Madagascar:
RAZAFIMBELO, M. (G)
EDAFE, M. (G)
RAMANARIVO, M.(T/W)

Malaisie/Malaysia/Malasia:
ANUAR, Mr. (G)
TENGKU DATO OMAR, Mr. (G)
ZARINAH, Mrs. (E)
ZAINAL, Mr.(T/W)

Mali/Malí:
DIAKITE, M. (G)
MAHAMANE, M. (G)

Malte/Malta:
CILIA DEBONO, Mr. (G)
GALEA, Mr. (G)
MALLIA MILANES, Mr. (E)
ZARB, Mr.(T/W)

Maroc/Morocco/Marruecos:
BAALAL, M. (G)
BELOUED, M. (G)

Maurice/Mauritius/Mauricio:
JEETUN, Mr. (E)

Mexique/Mexico/México:
DE ICAZA, Sr. (G)
JOUBLANC, Sr. (G)
GUTIÉRREZ GARCÍA, Sr. (E)
SÁNCHEZ MADARIAGA, Sr.(T/W)

Mongolie/Mongolia:
BOLD, Mr. (G)
BYAMBAA, Mr. (G)
TUGSCHIMEG, Ms. (E)
ADIYA, Mr.(T/W)

Mozambique:
CUMBANA, Mrs. (G)
LUIS FRANCISCO, Mrs. (G)
MANJAZE, Mr.(T/W)

Myanmar:
AYE, Mr. (G)
SHWE, Mr. (G)
WIN, Mr. (E)
MIN, Mr.(T/W)

Namibie/Namibia:
NDAITWA, Mr. (G)
DAX, Mr. (G)
HAIKALI, Mr.(T/W)

Nicaragua:
MONTENEGRO MALLONA, Sr. (G)

Niger/Niger:
MAINA, M. (G)
MAMADOU, M. (G)
SABO, M. (E)

Nigéria/Nigeria:
NWOKEDI, Mr. (G)
IMOISILI, Mr. (E)

Norvège/Norway/Noruega:
KAADA, Mr. (E)
BUVERUD PEDERSEN, Mrs.(T/W)

Nouvelle-Zélande/New Zealand/Nueva Zelandia:
GOODMAN, Ms. (G)
STOCKDILL, Mr. (G)
MARSHALL, Mr. (E)
WILSON, Mr.(T/W)

Oman/Omán:
KOFAN, Mr. (G)
ELYEHIAEY, Mr. (G)
EL SHANFRY, Mr.(T/W)

Ouganda/Uganda:
OLWENY, Mr. (G)
BANYA, Mrs. (G)
KASWARRA, Mr. (E)
ONGABA, Mr.(T/W)

Pakistan/Pakistán:
JANJUA, Mrs. (G)
QAZI, Mr. (G)
TABANI, Mr. (E)
AHMED, Mr.(T/W)

Panama/Panamá:
DUCREUX, Sr. (G)
KAM, Sr. (G)
CASTILLO MIRANDA, Sr.(T/W)

Papouasie-Nouvelle Guinée/Papua New Guinea/Papua Nueva Guinea:
ELIAS, Ms. (G)
BALOILOI, Ms. (G)
NANA, Mr. (E)

Pays-Bas/Netherlands/Países Bajos:
VAN DER HEIJDEN, Mr. (G)
HUNTJENS, Mr. (E)
ETTY, Mr.(T/W)

Pérou/Peru/Perú:
PAULINICH, Sr. (G)
TINCOPA, Sra. (G)
ZAVALA-COSTA, Sr. (E)
LAZO-PERALTA, Sr.(T/W)

Philippines/Filipinas:
ESPAÑOL, Mr. (G)
BAUTISTA, Mrs. (G)
TAN, Mr.(T/W)

Pologne/Poland/Polonia:
HENCZEL, Mr. (G)
CIESLAK, Mr. (G)
WOJCIK, Mr.(T/W)

Portugal:
ROBERT LOPES, Mme (G)
TOMÉ DE ALMEIDA, M. (G)
FERNANDES SALGUEIRO, M. (E)
CARVALHO, M.(T/W)

Qatar:
AL-THANI, Mr. (G)
AL-KHALIFA, Mr. (G)
SHAMS, Mr.(T/W)

Roumanie/Romania/Rumania:
CIRICA, M. (G)
FARCAS, M. (G)
SIMION, M. (E)
COLCEAG, M.(T/W)

Royaume-Uni/United Kingdom/Reino Unido:
SIMMONS, Mr. (G)
MORGAN, Ms. (G)
FRANCE, Ms. (E)
BRETT, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia:
LOUKIANENKO, Mr. (G)
PANKOV, Mr. (G)
KOLMOGOROV, Mr. (E)
SHMAKOV, Mr.(T/W)

Saint-Marin/San Marino:
MANUZZI, M. (G)
BIGI, Mme (G)
MANGIANTI, Mme (E)
FELICI, M.(T/W)

Seychelles:
BAKER, Mr. (G)
MERITON, Mr. (G)
SULTAN-BEAUDOUIN, Mr. (E)
CHARLES, Mr.(T/W)

Singapour/Singapore/Singapur:
HALIMAH BTE, Mrs.(T/W)

Slovaquie/Slovakia/Eslovaquia:
SYKORA, Mr. (G)
TKAC, Mr. (G)
HRDINA, Mr. (E)
KUREJ, Mr.(T/W)

Soudan/Sudan/Sudán:
EL HASSAN, Mr. (G)
HAIDOUB, Mr. (G)
BAKHEIT, Mr. (E)
ABDOON, Mr.(T/W)

Sri Lanka:
PIYADIGAMA, Mr. (G)
DASANAYAKE, Mr. (E)

Suède/Sweden/Suecia:
KRUSE, Mr. (G)
WIKLUND, Ms. (G)
ARTIN, Mr. (E)
ZETTERVALL-THAPPER, Ms.(T/W)

Suisse/Switzerland/Suiza:
MAYORAZ, M. (G)
ELMIGER, M. (G)
PLASSARD, M. (E)
MEIER, Mme(T/W)

Suriname:
BELFOR, Mr. (G)
MARICA, Mr. (G)

Swaziland/Swazilandia:
HLOPHE, Mr. (E)
SITHOLE, Mr.(T/W)

République arabe syrienne/Syrian Arab Republic/República Arabe Siria:
KAHTAN, M. (G)
NASSER, M. (G)
KABBOUL, M.(T/W)

République-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania:
KILLO, Mr. (G)
MAENDA, Mr. (E)
KACHIMA, Mr.(T/W)

République tchèque/Czech Republic/República Checa:
SOMOL, Mr. (G)
RYCHLY, Mr. (G)
KUBICKOVA, Ms. (E)
BERAN, Mr.(T/W)

Thaïlande/Thailand/Tailandia:
LUMYONG, Mr. (G)
NAKCHUEN, Mr. (G)
BHAKDIBADHANABANIJ, Mr. (E)
BOONRAT, Mr.(T/W)

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:
SUPERSAD, Ms. (G)
HILTON-CLARKE, Mr. (E)

Tunisie/Tunisia/Túnez:
CHOUBA, Mme (G)
KCHAOU, M. (G)
GHODHBANI, M.(T/W)

Turquie/Turkey/Turquia:
DURUSOY, Mr. (G)
SEREF, Mr. (G)
CENTEL, Mr. (E)

Ukraine/Ucrania:
MAIMESKOUL, M. (G)
VINOKOUROV, M. (G)
PONOMAREV, M. (E)
CHILOV, M.(T/W)

Uruguay:
MANGADO, Sr. (G)
DUTRA, Sr. (G)
PIVEL, Sr. (E)
ZAPIRAIN, Sr.(T/W)

Venezuela:
CORRALES LEAL, Sr. (G)
DE ARBELOA, Sr. (E)

Viet Nam:
NGUYEN KIM, M. (G)
PHAN DUC, M. (G)
LE THANH, M. (E)
HOANG MINH, M.(T/W)

Zambie/Zambia:
YOYO, Mr. (G)
NYIRENDA, Mr. (G)
MUSANA, Mr. (E)
CHIRWA, Mr.(T/W)

Zimbabwe:
DZVITI, Mr. (G)
MUNYIRA, Mr. (G)
SIBANDA, Mr.(T/W)

Abstentions/Abstentions /Abstenciones: 2

Croatie/Croatia/Croacia:
MUSULIN, Mrs. (G)
BEKIC, Mr. (G)

Vote final par appel nominal sur l'Instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1997

Final Record Vote on the Constitution of the International Labour Organisation Instrument of Amendment, 1997

Votación nominal final sobre el Instrumento de Enmienda a la Constitución de la Organización Internacional del Trabajo, 1997

Pour/For/En Pro: 381

Afrique du Sud/South Africa/Sudáfrica:
NKOSI, Mr. (G)
JOHANNES, Mr. (G)
BOTHA, Mr. (E)

Algérie/Algeria/Argelia:
MESSAOUI, M. (G)
BOUTALEB, M. (G)
SIDI SAID, M.(T/W)

Allemagne/Germany/Alemania:
WILLERS, Mr. (G)
FENDRICH, Mr. (G)
THÜSING, Mr. (E)
ENGELEN-KEFER, Mrs.(T/W)

Arabie saoudite/Saudi Arabia/Arabia Saudita:
KENTAB, Mr. (G)
AL KHALIDI, Mr. (G)
JUMMA, Mr.(T/W)

Argentine/Argentina:
BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
SPAGHI, Sr. (E)
BALDASSINI, Sr.(T/W)

Australie/Australia:
FISHER, Mr. (G)
MOORE, Mr. (G)
NOAKES, Mr. (E)
SUTTON, Mr.(T/W)

Autriche/Austria:
MELAS, Mr. (G)
LANGHAMMER, Mr. (G)
ARBESSER-RASTBURG, Mr. (E)
RAUB, Mr.(T/W)

Bahamas:
SYMONETTE, Mr. (G)
DEAN, Mr. (G)
JOHNSON-SMITH, Mrs. (E)
CARTER, Mr.(T/W)

Bangladesh:
SARKAR, Mr. (G)
CHOWDHURY, Mr. (G)
HYDER, Mr. (E)

Barbade/Barbados:
TROTMAN, Mr.(T/W)

Belgique/Belgium/Bélgica:
VAN DEPOELE, M. (G)
VANDAMME, M. (G)
DA COSTA, M. (E)
PEIRENS, M.(T/W)

Belize/Belice:
BENNETT, Mr. (G)

Bénin/Benin:
ONI, M. (G)
ADONON, Mme (G)
LAWANI, M.(T/W)

Bolivie/Bolivia:
SAINS, Sr. (G)

Botswana:
SEBELE, Mr. (G)
PALAI, Mr. (G)
MATLHAKU, Mr. (E)
MBONINI, Mr.(T/W)

Brésil/Brazil/Brasil:
GOMES DOS SANTOS, Mrs. (G)
ANDRADE RIBEIRO DE OLIVEIRA, Mr. (G)
D'ARAUJO MARTINS, Mr. (E)
DE BARROS, Mr.(T/W)

Bulgarie/Bulgaria:
MIROSLAVOV, Mr. (G)
DETCHEV, Mr. (E)
MANOLOV, Mr.(T/W)

Burkina Faso:
KABORE, M. (G)
ZOUMBARE, M. (G)
ILBOUDO, M. (E)
ZONGO, M.(T/W)

Burundi:
NZEYIMANA, M. (G)
KIRAHUZI, M. (E)

Cambodge/Cambodia/Camboya:
THACH, M. (G)
KEO, M. (G)

Cameroun/Cameroon/Camerún:
BELL, M. (G)
SOMBES, M.(T/W)

Canada/Canadá:
POISSON, Mr. (G)
PERLIN, Ms. (G)
ALBORINO, Mr. (E)
PARROT, Mr.(T/W)

Chili/Chile:
BERGUÑO BARNES, Sr. (G)
MEJIA VIEDMAN, Sr. (G)
BUNNEY TUNACCA, Sr.(T/W)

Chine/China:
LIN, Mr. (G)
LI, Mr. (G)
PAN, Mr. (E)
LI, Mr.(T/W)

Chypre/Cyprus/Chipre:
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Contre/Against/En contra: 3

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NGCUKANA, Mr.(T/W)

Sri Lanka:
TAMPOE, Mr.(T/W)

Uruguay:
BENTANCOR, Sr.(T/W)

Abstentions/Abstentions /Abstenciones: 5

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Vote final par appel nominal sur la Convention concernant les agences d'emploi privées
Final Record Vote on the Convention on Private Employment Agencies
Votación nominal final relativa al Convenio sobre las agencias de empleo privadas

Pour/For/En Pro: 347

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MANOLOV, Mr.(T/W)

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KIRAHUZI, M. (E)

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MOHAPELOA, Mr. (G)
MANDORO, Mr. (G)
MAKEKA, Mr. (E)
TSUKULU, Mr.(T/W)

Jamahiriya arabe libyenne/Libyan Arab Jamahiriya/Jamahiriya Arabe Libia:
DERBI, Mr. (G)
KWAIRY, Mr. (E)
OSMAN, Mr.(T/W)

Lituanie/Lithuania/Lituania:
MACKONYTE, Ms. (G)
NAVIKAS, Mr. (G)
VIESULAS, Mr. (E)
BALSIENE, Mrs.(T/W)

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BEFFORT, M. (E)
PIZZAFERRI, M.(T/W)

Madagascar:
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RAKOTONIAINA, Mme (G)

Malaisie/Malaysia/Malasia:
ZAINAL, Mr.(T/W)

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CHINYAMA, Mr. (G)
KAMINYOGE, Mr. (G)
DAMBULENI, Mr. (E)
MHANGO, Mr.(T/W)

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GALEA, Mr. (G)
MALLIA MILANES, Mr. (E)
ZARB, Mr.(T/W)

Maroc/Morocco/Marruecos:
BAALAL, M. (G)
BELOUED, M. (G)

Maurice/Mauritius/Mauricio:
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BOLAKY, Mr. (G)
JEETUN, Mr. (E)
LUCHMUN ROY, Mr.(T/W)

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JOUBLANC, Sr. (G)
SÁNCHEZ MADARIAGA, Sr.(T/W)

Mongolie/Mongolia:
BYAMBAA, Mr. (G)
ADIYA, Mr.(T/W)

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LUIS FRANCISCO, Mrs. (G)
MANJAZE, Mr.(T/W)

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SHWE, Mr. (G)
WIN, Mr. (E)
MIN, Mr.(T/W)

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SHINGUADJA, Mr. (G)

Népal/Nepal:
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SIMKHADA, Mr. (G)

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Niger/Níger:
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MAMADOU, M. (G)
SABO, M. (E)
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HENRY, Mr. (G)
IMOISILI, Mr. (E)

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KAADA, Mr. (E)
BUVERUD PEDERSEN, Mrs.(T/W)

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Oman/Omán:
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ELYEHIAEY, Mr. (G)
EL SHANFRY, Mr.(T/W)

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BANYA, Mrs. (G)

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BALOILOI, Ms. (G)
NANA, Mr. (E)
MC ALISTER, Mr.(T/W)

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HUNTJENS, Mr. (E)
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PIYADIGAMA, Mr. (G)
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WIKLUND, Ms. (G)
ARTIN, Mr. (E)
EDSTRÖM, Mr.(T/W)

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MEIER, Mme(T/W)

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HLOPHE, Mr. (E)
SITHOLE, Mr.(T/W)

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NASSER, M. (G)

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RUTABANZIBWA, Mr. (G)
MAENDA, Mr. (E)

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RYCHLY, Mr. (G)
KUBICKOVA, Ms. (E)
BERAN, Mr.(T/W)

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BHAKDIBADHANABANIJ, Mr. (E)
BOONRAT, Mr.(T/W)

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SUPERSAD, Ms. (G)
JOHN, Mr.(T/W)

Tunisie/Tunisia/Túnez:
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KCHAOU, M. (G)
M'KAISSI, M. (E)

Turquie/Turkey/Turquía:
DURUSOY, Mr. (G)
SEREF, Mr. (G)
CENTEL, Mr. (E)

Ukraine/Ucrania:
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VINOKOUROV, M. (G)
PONOMAREV, M. (E)
CHILOV, M.(T/W)

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MANGADO, Sr. (G)
DUTRA, Sr. (G)
BENTANCOR, Sr.(T/W)

Venezuela:
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RAMÍREZ LÉON, Sr.(T/W)

Viet Nam:
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PHAN DUC, M. (G)
NGUYEN TIEN, M. (E)
NGUYEN XUAN, M.(T/W)

Zambie/Zambia:
YOYO, Mr. (G)
NYIRENDA, Mr. (G)
MUSANA, Mr. (E)
CHIRWA, Mr.(T/W)

Zimbabwe:
DZVITI, Mr. (G)
MUNYIRA, Mr. (G)
DHLAKAMA, Mr. (E)
SIBANDA, Mr.(T/W)

Contre/Against/En contra: 5

Bangladesh:
HYDER, Mr. (E)

Costa Rica:
GONZÁLEZ VARGAS, Sr. (E)

Guatemala:
MENDEZ DIAZ, Sr.(T/W)

Philippines/Filipinas:
TAN, Mr. (E)

Singapour/Singapore/Singapur:
TEE, Ms. (G)

Abstentions/Abstentions /Abstenciones: 30

Brésil/Brazil/Brasil:
D'ARAUJO MARTINS, Mr. (E)

Canada/Canadá:
ALBORINO, Mr. (E)

Chili/Chile:
BRUNA VARGAS, Sr. (E)

Colombie/Colombia:
ARIAS CASTAÑO, Sra. (G)
CASTRO GUERRERO, Sr. (G)
ECHAVARRIA SALDARRIAGA, Sr. (E)
GARZON, Sr.(T/W)

République de Corée/Republic of Korea/República de Corea:
KIM, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:
POTTER, Mr. (E)

Guatemala:
RIVAS SANCHEZ, Sr. (G)
RICCI MUADI, Sr. (E)

Guinée/Guinea:
DABO, M. (E)

Honduras:
BU FIGUEROA, Sra. (G)
MARTINEZ, Sr. (E)

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WEBER, M. (G)

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TENGKU DATO OMAR, Mr. (G)

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STOCKDILL, Mr. (G)
MARSHALL, Mr. (E)

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BAUTISTA, Mrs. (G)

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DASANAYAKE, Mr. (E)

Suisse/Switzerland/Suiza:
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ELMIGER, M. (G)

République-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania:
KACHIMA, Mr.(T/W)

Uruguay:
PIVEL, Sr. (E)

Venezuela:
DE ARBELOA, Sr. (E)

Vote final par appel nominal sur la Recommandation concernant les agences d'emploi privées
Final Record Vote on the Recommendation concerning private employment agencies
Votación nominal final relativa a la Recomendación sobre las agencias de empleo privadas

Pour/For/En Pro: 314

Afrique du Sud/South Africa/Sudáfrica:
NKOSI, Mr. (G)
JOHANNES, Mr. (G)
SIFINGO, Mr.(T/W)

Albanie/Albania:
GJONEJ, M. (G)

Algérie/Algeria/Argelia:
DEMBRI, M. (G)
BOUTALEB, M. (G)
SIDI SAID, M.(T/W)

Allemagne/Germany/Alemania:
WILLERS, Mr. (G)
FENDRICH, Mr. (G)
ENGELEN-KEFER, Mrs.(T/W)

Arabie saoudite/Saudi Arabia/Arabia Saudita:
KENTAB, Mr. (G)
AL KHALIDI, Mr. (G)
JUMMA, Mr.(T/W)

Argentine/Argentina:
BENITEZ, Sr. (G)
TOSONOTTI, Srta. (G)
BALDASSINI, Sr.(T/W)

Australie/Australia:
FISHER, Mr. (G)
MOORE, Mr. (G)
SUTTON, Mr.(T/W)

Autriche/Austria:
MELAS, Mr. (G)
LANGHAMMER, Mr. (G)
RAUB, Mr.(T/W)

Bahamas:
SYMONETTE, Mr. (G)
DEAN, Mr. (G)
JOHNSON-SMITH, Mrs. (E)
CARTER, Mr.(T/W)

Bahreïn/Bahrain/Bahrein:
AL-HADDAD, Mr. (G)

Bangladesh:
SARKAR, Mr. (G)
CHOWDHURY, Mr. (G)

Barbade/Barbados:
YOUNG, Mr. (G)
CODRINGTON, Mr. (G)
TROTMAN, Mr.(T/W)

Belgique/Belgium/Bélgica:
VAN DEPOELE, M. (G)
VANDAMME, M. (G)
PEIRENS, M.(T/W)

Belize/Belice:
BENNETT, Mr. (G)

Bénin/Benin:
ONI, M. (G)
ADONON, Mme (G)
LAWANI, M.(T/W)

Bolivie/Bolivia:
SAINS, Sr. (G)

Botswana:
SEBELE, Mr. (G)
PALAI, Mr. (G)
MATLHAKU, Mr. (E)
MBONINI, Mr.(T/W)

Brésil/Brazil/Brasil:
GOMES DOS SANTOS, Mrs. (G)
ANDRADE RIBEIRO DE OLIVEIRA, Mr. (G)
DE BARROS, Mr.(T/W)

Bulgarie/Bulgaria:
MIROSLAVOV, Mr. (G)
MANOLOV, Mr.(T/W)

Burkina Faso:
KABORE, M. (G)
ZOUMBARE, M. (G)
ILBOUDO, M. (E)
CISSE, Mme(T/W)

Cambodge/Cambodia/Camboya:
THACH, M. (G)
KEO, M. (G)

Cameroun/Cameroon/Camerún:
BELL, M. (G)
SOMBES, M.(T/W)

Canada/Canadá:
PARROT, Mr.(T/W)

Chili/Chile:
BERGUÑO BARNES, Sr. (G)
MEJIA VIEDMAN, Sr. (G)
BUNNEY TUNACCA, Sr.(T/W)

Chine/China:
LIN, Mr. (G)
LI, Mr. (G)
LI, Mr.(T/W)

Chypre/Cyprus/Chipre:
ANTONIOU, Mr.(T/W)

République de Corée/Republic of Korea/República de Corea:
KIM, Mr. (G)
KONG, Mr. (G)

Costa Rica:
DENGO, Sr. (G)
BROWN YOUNG, Sr.(T/W)

Côte d'Ivoire:
BOA KAMON, M. (G)
N'DRI, M. (G)
ADIKO, M.(T/W)

Croatie/Croatia/Croacia:
MUSULIN, Mrs. (G)
BEKIC, Mr. (G)
IVANCEVIC, Mr. (E)
KNEZEVIC, Ms.(T/W)

Cuba:
AMAT FORES, Sr. (G)
TRAVIESO DAMAS, Sr. (G)
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BERNAL CAMERO, Sr.(T/W)

Danemark/Denmark/Dinamarca:
ADLER, Ms. (G)
HESS, Mr. (G)
FOLDBERG, Mr.(T/W)

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:
AL-SUWAIDI, Mr. (G)
AL-MEHAIRI, Mr. (G)
MATTAR, Mr. (E)
AL-ABDOULY, Mr.(T/W)

Equateur/Ecuador:
RODAS P., Sr. (G)
LUGO NARANJO, Sr. (G)

Erythrée/Eritrea:
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Espagne/Spain/España:
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LOPEZ MONIS, Sr. (G)
FRADES, Sr.(T/W)

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HINDOV, Ms. (G)
MARKSOO, Ms. (G)
REMMEL, Ms. (E)
KAADU, Mr.(T/W)

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SMITH, Mr. (G)
GRAY, Mr.(T/W)

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YIMER, Mr. (G)
BESHAH, Mr. (G)
ALEMAYEHU, Mr.(T/W)

Fidji/Fiji:
LIGAIRI, Mr. (G)
KURUDUADUA, Mr. (G)

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VALKONEN, Ms.(T/W)

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CHOTARD, M. (G)
OECHSLIN, M. (E)
DELHOMENIE, M.(T/W)

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ANGONE ABENA, Mme (G)
MOULOMBA NZIENGUI, M. (G)

Ghana:
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BEBAAKO-MENSAH, Mr. (G)
APPIAH AGYEI, Mr.(T/W)

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ANAND, Mr. (E)
VENUGOPAL, Mr.(T/W)

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Lesotho:
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TSUKULU, Mr.(T/W)

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ELYEHIAEY, Mr. (G)
EL SHANFRY, Mr.(T/W)

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QAZI, Mr. (G)
AHMED, Mr.(T/W)

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MC ALISTER, Mr.(T/W)

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SCHRAMA, Mr. (G)
HUNTJENS, Mr. (E)
DRIJFHOUT, Ms.(T/W)

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TINCOPA, Sra. (G)

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BAUTISTA, Mrs. (G)
TAN, Mr.(T/W)

Pologne/Poland/Polonia:
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CIESLAK, Mr. (G)
WOJCIK, Mr.(T/W)

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BARREIRA DE SOUSA, M. (G)
CARVALHO, M.(T/W)

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AL-FEIHANI, Mr. (E)
SHAMS, Mr.(T/W)

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THOMAS, Mr. (G)
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CHARLES, Mr.(T/W)

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VAVRO, Mr. (G)
HRDINA, Mr. (E)
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POTOCNIK, Mr. (E)
FRAS, Mrs.(T/W)

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HAIDOUB, Mr. (G)
BAKHEIT, Mr. (E)

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PIYADIGAMA, Mr. (G)
TAMPOE, Mr.(T/W)

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WIKLUND, Ms. (G)
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MEIER, Mme(T/W)

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BOONRAT, Mr.(T/W)

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BARRENECHEA-CALDERON, Sr. (E)

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Portugal:
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KOLMOGOROV, Mr. (E)

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MANGIANTI, Mme (E)

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Sri Lanka:
DASANAYAKE, Mr. (E)

Suède/Sweden/Suecia:
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KACHIMA, Mr.(T/W)

Turquie/Turkey/Turquia:
CENTEL, Mr. (E)

Uruguay:
PIVEL, Sr. (E)

Zimbabwe:
DHLAKAMA, Mr. (E)

AUTHENTIC TEXTS OF INSTRUMENTS ADOPTED BY THE CONFERENCE

AUTHENTIC TEXTS OF INSTRUMENTS ADOPTED BY THE CONFERENCE

INSTRUMENTS ADOPTÉS PAR LA CONFÉRENCE
TEXTES AUTHENTIQUES

Best copy available

INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANISATION

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fifth Session on 3 June 1997, and

Having decided upon the adoption of an amendment to the Constitution of the International Labour Organisation, a question which is included in the seventh item on the agenda of the Session;

adopts, this nineteenth day of June of the year one thousand nine hundred and ninety-seven, the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment, 1997:

Article 1

As from the date of the coming into force of this Instrument of Amendment, article 19 of the Constitution of the International Labour Organisation shall be amended by the insertion after paragraph 8 of the following new paragraph:

> "9. Acting on a proposal of the Governing Body, the Conference may, by a majority of two-thirds of the votes cast by the delegates present, abrogate any Convention adopted in accordance with the provisions of this article if it appears that the Convention has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organisation."

Article 2

Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations. The Director-General will communicate a certified copy of the Instrument to all the Members of the International Labour Organisation.

Article 3

1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This Instrument of Amendment will come into force in accordance with the provisions of article 36 of the Constitution of the International Labour Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation and the Secretary-General of the United Nations.

INSTRUMENT POUR L'AMENDEMENT DE LA CONSTITUTION DE L'ORGANISATION INTERNATIONALE DU TRAVAIL

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 3 juin 1997, en sa quatre-vingt-cinquième session,

Après avoir décidé d'adopter une proposition d'amendement à la Constitution de l'Organisation internationale du Travail, question qui fait l'objet du septième point à l'ordre du jour de la session,

adopte, ce dix-neuvième jour de juin mil neuf cent quatre-vingt-dix-sept, l'instrument ci-après pour l'amendement à la Constitution de l'Organisation internationale du Travail, instrument qui sera dénommé Instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1997:

Article 1

A compter de la date d'entrée en vigueur du présent instrument d'amendement, l'article 19 de la Constitution de l'Organisation internationale du Travail sera amendé par l'insertion, après l'actuel paragraphe 8, d'un nouveau paragraphe rédigé comme suit:

> «9. Sur la proposition du Conseil d'administration, la Conférence peut, à la majorité des deux tiers des voix des délégués présents, abroger toute convention adoptée conformément aux dispositions du présent article s'il apparaît qu'elle a perdu son objet ou qu'elle n'apporte plus de contribution utile à l'accomplissement des objectifs de l'Organisation.»

Article 2

Deux exemplaires authentiques du présent instrument d'amendement seront signés par le Président de la Conférence et par le Directeur général du Bureau international du Travail. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail, et l'autre entre les mains du Secrétaire général des Nations Unies aux fins d'enregistrement conformément aux termes de l'article 102 de la Charte des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de cet instrument à chacun des Membres de l'Organisation internationale du Travail.

Article 3

1. Les ratifications ou acceptations formelles du présent instrument d'amendement seront communiquées au Directeur général du Bureau international du Travail qui en informera les Membres de l'Organisation.

2. Le présent instrument d'amendement entrera en vigueur dans les conditions prévues à l'article 36 de la Constitution de l'Organisation internationale du Travail.

3. Dès l'entrée en vigueur du présent instrument, le Directeur général du Bureau international du Travail en informera tous les Membres de l'Organisation internationale du Travail ainsi que le Secrétaire général des Nations Unies.

Convention 181

CONVENTION CONCERNING PRIVATE EMPLOYMENT AGENCIES

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fifth Session on 3 June 1997, and

Noting the provisions of the Fee-Charging Employment Agencies Convention (Revised), 1949, and

Being aware of the importance of flexibility in the functioning of labour markets, and

Recalling that the International Labour Conference at its 81st Session, 1994, held the view that the ILO should proceed to revise the Fee-Charging Employment Agencies Convention (Revised), 1949, and

Considering the very different environment in which private employment agencies operate, when compared to the conditions prevailing when the above-mentioned Convention was adopted, and

Recognizing the role which private employment agencies may play in a well-functioning labour market, and

Recalling the need to protect workers against abuses, and

Recognizing the need to guarantee the right to freedom of association and to promote collective bargaining and social dialogue as necessary components of a well-functioning industrial relations system, and

Noting the provisions of the Employment Service Convention, 1948, and

Recalling the provisions of the Forced Labour Convention, 1930, the Freedom of Association and the Protection of the Right to Organise Convention, 1948, the Right to Organise and Collective Bargaining Convention, 1949, the Discrimination (Employment and Occupation) Convention, 1958, the Employment Policy Convention, 1964, the Minimum Age Convention, 1973, the Employment Promotion and Protection against Unemployment Convention, 1988, and the provisions relating to recruitment and placement in the Migration for Employment Convention (Revised), 1949, and the Migrant Workers (Supplementary Provisions) Convention, 1975, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts, this nineteenth day of June of the year one thousand nine hundred and ninety-seven, the following Convention, which may be cited as the Private Employment Agencies Convention, 1997:

Article 1

1. For the purpose of this Convention the term "private employment agency" means any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:

(a) services for matching offers of and applications for employment, without the private employment agency becoming a party to the employment relationships which may arise therefrom;

(b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks;

(c) other services relating to jobseeking, determined by the competent authority after consulting the most representative employers' and workers' organizations, such as the provision of information, that do not set out to match specific offers of and applications for employment.

CONVENTION CONCERNANT LES AGENCES D'EMPLOI PRIVÉES

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 3 juin 1997, en sa quatre-vingt-cinquième session;

Notant les dispositions de la convention sur les bureaux de placement payants (révisée), 1949;

Consciente de l'importance de la flexibilité dans le fonctionnement des marchés du travail;

Rappelant que la Conférence internationale du Travail lors de sa 81e session, 1994, a estimé que l'Organisation internationale du Travail devait procéder à la révision de la convention sur les bureaux de placement payants (révisée), 1949;

Considérant le contexte très différent dans lequel les agences d'emploi privées opèrent, par rapport aux conditions qui prévalaient lors de l'adoption de la convention susmentionnée;

Reconnaissant le rôle que les agences d'emploi privées peuvent jouer dans le bon fonctionnement du marché du travail;

Rappelant la nécessité de protéger les travailleurs contre les abus;

Reconnaissant la nécessité de garantir la liberté syndicale et de promouvoir la négociation collective et le dialogue social, en tant qu'éléments indispensables des bonnes relations professionnelles;

Notant les dispositions de la convention sur le service de l'emploi, 1948;

Rappelant les dispositions de la convention sur le travail forcé, 1930, de la convention sur la liberté syndicale et la protection du droit syndical, 1948, de la convention sur le droit d'organisation et de négociation collective, 1949, de la convention concernant la discrimination (emploi et profession), 1958, de la convention sur la politique de l'emploi, 1964, de la convention sur l'âge minimum, 1973, de la convention sur la promotion de l'emploi et la protection contre le chômage, 1988, ainsi que les dispositions relatives au recrutement et au placement de la convention sur les travailleurs migrants (révisée), 1949, et celles de la convention sur les travailleurs migrants (dispositions complémentaires), 1975;

Après avoir décidé d'adopter diverses propositions relatives à la révision de la convention sur les bureaux de placement payants (révisée), 1949, question qui constitue le quatrième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une convention internationale,

adopte, ce dix-neuvième jour de juin mil neuf cent quatre-vingt-dix-sept, la convention ci-après, qui sera dénommée Convention sur les agences d'emploi privées, 1997:

Article 1

1. Aux fins de la présente convention, l'expression «agence d'emploi privée» désigne toute personne physique ou morale, indépendante des autorités publiques, qui fournit un ou plusieurs des services suivants se rapportant au marché du travail:

a) des services visant à rapprocher offres et demandes d'emploi, sans que l'agence d'emploi privée ne devienne partie aux relations de travail susceptibles d'en découler;

b) des services consistant à employer des travailleurs dans le but de les mettre à la disposition d'une tierce personne physique ou morale (ci-après désignée comme «l'entreprise utilisatrice»), qui fixe leurs tâches et en supervise l'exécution;

c) d'autres services ayant trait à la recherche d'emplois, qui seront déterminés par l'autorité compétente après consultation des organisations d'employeurs et de travailleurs les plus représentatives, tels que la fourniture d'informations, sans pour autant viser à rapprocher une offre et une demande spécifiques.

2. For the purpose of this Convention, the term "workers" includes jobseekers.

3. For the purpose of this Convention, the term "processing of personal data of workers" means the collection, storage, combination, communication or any other use of information related to an identified or identifiable worker.

Article 2

1. This Convention applies to all private employment agencies.

2. This Convention applies to all categories of workers and all branches of economic activity. It does not apply to the recruitment and placement of seafarers.

3. One purpose of this Convention is to allow the operation of private employment agencies as well as the protection of the workers using their services, within the framework of its provisions.

4. After consulting the most representative organizations of employers and workers concerned, a Member may:

(a) prohibit, under specific circumstances, private employment agencies from operating in respect of certain categories of workers or branches of economic activity in the provision of one or more of the services referred to in Article 1, paragraph 1;

(b) exclude, under specific circumstances, workers in certain branches of economic activity, or parts thereof, from the scope of the Convention or from certain of its provisions, provided that adequate protection is otherwise assured for the workers concerned.

5. A Member which ratifies this Convention shall specify, in its reports under article 22 of the Constitution of the International Labour Organization, any prohibition or exclusion of which it avails itself under paragraph 4 above, and give the reasons therefor.

Article 3

1. The legal status of private employment agencies shall be determined in accordance with national law and practice, and after consulting the most representative organizations of employers and workers.

2. A Member shall determine the conditions governing the operation of private employment agencies in accordance with a system of licensing or certification, except where they are otherwise regulated or determined by appropriate national law and practice.

Article 4

Measures shall be taken to ensure that the workers recruited by private employment agencies providing the services referred to in Article 1 are not denied the right to freedom of association and the right to bargain collectively.

Article 5

1. In order to promote equality of opportunity and treatment in access to employment and to particular occupations, a Member shall ensure that private employment agencies treat workers without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of discrimination covered by national law and practice, such as age or disability.

2. Paragraph 1 of this Article shall not be implemented in such a way as to prevent private employment agencies from providing special services or targeted programmes designed to assist the most disadvantaged workers in their jobseeking activities.

2. Aux fins de la présente convention, l'expression «travailleurs» comprend les demandeurs d'emploi.

3. Aux fins de la présente convention, l'expression «traitement des données personnelles concernant les travailleurs» désigne la collecte, le stockage, la combinaison et la communication des données personnelles ou tout autre usage qui pourrait être fait de toute information concernant un travailleur identifié ou identifiable.

Article 2

1. La présente convention s'applique à toutes les agences d'emploi privées.

2. La présente convention s'applique à toutes les catégories de travailleurs et à toutes les branches d'activité économique. Elle ne s'applique pas au recrutement et au placement des gens de mer.

3. La présente convention a, au nombre de ses objectifs, celui de permettre aux agences d'emploi privées d'opérer et celui de protéger, dans le cadre de ses dispositions, les travailleurs ayant recours à leurs services.

4. Après avoir consulté les organisations les plus représentatives d'employeurs et de travailleurs intéressées, un Membre peut:

a) interdire, dans des circonstances particulières, aux agences d'emploi privées d'opérer à l'égard de certaines catégories de travailleurs ou dans certaines branches d'activité économique pour fournir un ou plusieurs des services visés à l'article 1, paragraphe 1;

b) exclure, dans des circonstances particulières, les travailleurs de certaines branches d'activité économique, ou de parties de celles-ci, du champ d'application de la convention, ou de certaines de ses dispositions, pour autant que les travailleurs intéressés jouissent à un autre titre d'une protection adéquate.

5. Tout Membre qui ratifie la convention doit indiquer dans ses rapports, en vertu de l'article 22 de la Constitution de l'Organisation internationale du Travail, les interdictions ou exclusions éventuelles dont il se prévaut en vertu du paragraphe 4 ci-dessus et en donner les raisons.

Article 3

1. Le statut juridique des agences d'emploi privées sera déterminé conformément à la législation et la pratique nationales et après consultation des organisations d'employeurs et de travailleurs les plus représentatives.

2. Tout Membre doit, par le moyen d'un système d'attribution de licence ou d'agrément, déterminer les conditions d'exercice par les agences d'emploi privées de leurs activités, sauf lorsque lesdites conditions sont réglées, d'une autre manière, par la législation et la pratique nationales.

Article 4

Des mesures doivent être prises afin de veiller à ce que les travailleurs recrutés par les agences d'emploi privées fournissant les services mentionnés à l'article 1 ne soient pas privés de leur droit à la liberté syndicale et à la négociation collective.

Article 5

1. Afin de promouvoir l'égalité de chances et de traitement en matière d'accès à l'emploi et aux différentes professions, tout Membre doit veiller à ce que les agences d'emploi privées ne fassent pas subir aux travailleurs de discrimination fondée sur la race, la couleur, le sexe, la religion, l'opinion politique, l'ascendance nationale, l'origine sociale, ou toute autre forme de discrimination visée par la législation et la pratique nationales, telle que l'âge ou le handicap.

2. Rien dans la mise en œuvre du paragraphe 1 ci-dessus n'est censé empêcher les agences d'emploi privées de fournir des services spécifiques ou de réaliser des programmes spécialement conçus pour aider les travailleurs les plus défavorisés dans leurs activités de recherche d'emploi.

Article 6

The processing of personal data of workers by private employment agencies shall be:

(a) done in a manner that protects this data and ensures respect for workers' privacy in accordance with national law and practice;

(b) limited to matters related to the qualifications and professional experience of the workers concerned and any other directly relevant information.

Article 7

1. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.

2. In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to the provisions of paragraph 1 above in respect of certain categories of workers, as well as specified types of services provided by private employment agencies.

3. A Member which has authorized exceptions under paragraph 2 above shall, in its reports under article 22 of the Constitution of the International Labour Organization, provide information on such exceptions and give the reasons therefor.

Article 8

1. A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.

2. Where workers are recruited in one country for work in another, the Members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.

Article 9

A Member shall take measures to ensure that child labour is not used or supplied by private employment agencies.

Article 10

The competent authority shall ensure that adequate machinery and procedures, involving as appropriate the most representative employers' and workers' organizations, exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies.

Article 11

A Member shall, in accordance with national law and practice, take the necessary measures to ensure adequate protection for the workers employed by private employment agencies as described in Article 1, paragraph 1(b) above, in relation to:

(a) freedom of association;
(b) collective bargaining;
(c) minimum wages;
(d) working time and other working conditions;
(e) statutory social security benefits;

Article 6

Le traitement des données personnelles concernant les travailleurs par les agences d'emploi privées doit:

a) être effectué dans des conditions qui protègent lesdites données et respectent la vie privée des travailleurs, conformément à la législation et à la pratique nationales;

b) être limité aux questions portant sur les qualifications et l'expérience professionnelle des travailleurs concernés et à toute autre information directement pertinente.

Article 7

1. Les agences d'emploi privées ne doivent mettre à la charge des travailleurs, de manière directe ou indirecte, en totalité ou en partie, ni honoraires ni autres frais.

2. Dans l'intérêt des travailleurs concernés, l'autorité compétente peut, après consultation des organisations d'employeurs et de travailleurs les plus représentatives, autoriser des dérogations aux dispositions du paragraphe 1 ci-dessus pour certaines catégories de travailleurs et pour des services spécifiquement identifiés, fournis par les agences d'emploi privées.

3. Tout Membre qui aura autorisé des dérogations en vertu du paragraphe 2 ci-dessus devra, dans ses rapports au titre de l'article 22 de la Constitution de l'Organisation internationale du Travail, fournir des informations sur ces dérogations et en donner les raisons.

Article 8

1. Tout Membre doit, après consultation des organisations d'employeurs et de travailleurs les plus représentatives, prendre toutes les mesures nécessaires et appropriées, dans les limites de sa juridiction et, le cas échéant, en collaboration avec d'autres Membres, pour faire en sorte que les travailleurs migrants recrutés ou placés sur son territoire par des agences d'emploi privées bénéficient d'une protection adéquate, et pour empêcher que des abus ne soient commis à leur encontre. Ces mesures doivent comprendre des lois ou règlements prévoyant des sanctions, y compris l'interdiction des agences d'emploi privées qui se livrent à des abus et des pratiques frauduleuses.

2. Lorsque des travailleurs sont recrutés dans un pays pour travailler dans un autre, les Membres intéressés doivent envisager de conclure des accords bilatéraux pour prévenir les abus et les pratiques frauduleuses en matière de recrutement, de placement et d'emploi.

Article 9

Tout Membre doit prendre des mesures pour s'assurer que le travail des enfants ne soit ni utilisé ni fourni par des agences d'emploi privées.

Article 10

L'autorité compétente doit veiller à ce qu'il existe des mécanismes et des procédures appropriés associant, le cas échéant, les organisations d'employeurs et de travailleurs les plus représentatives, aux fins d'instruire les plaintes et d'examiner les allégations d'abus et de pratiques frauduleuses, concernant les activités des agences d'emploi privées.

Article 11

Tout Membre doit prendre les mesures nécessaires, conformément à la législation et la pratique nationales, pour garantir une protection adéquate aux travailleurs employés par les agences d'emploi privées, visées au paragraphe 1 *b)* de l'article 1 en matière de:

a) liberté syndicale;

b) négociation collective;

c) salaires minima;

d) horaires, durée du travail et autres conditions de travail;

e) prestations légales de sécurité sociale;

(f) access to training;
(g) occupational safety and health;
(h) compensation in case of occupational accidents or diseases;
(i) compensation in case of insolvency and protection of workers' claims;
(j) maternity protection and benefits, and parental protection and benefits.

Article 12

A Member shall determine and allocate, in accordance with national law and practice, the respective responsibilities of private employment agencies providing the services referred to in paragraph 1(b) of Article 1 and of user enterprises in relation to:

(a) collective bargaining;
(b) minimum wages;
(c) working time and other working conditions;
(d) statutory social security benefits;
(e) access to training;
(f) protection in the field of occupational safety and health;
(g) compensation in case of occupational accidents or diseases;
(h) compensation in case of insolvency and protection of workers' claims;
(i) maternity protection and benefits, and parental protection and benefits.

Article 13

1. A Member shall, in accordance with national law and practice and after consulting the most representative organizations of employers and workers, formulate, establish and periodically review conditions to promote cooperation between the public employment service and private employment agencies.

2. The conditions referred to in paragraph 1 above shall be based on the principle that the public authorities retain final authority for:

(a) formulating labour market policy;
(b) utilizing or controlling the use of public funds earmarked for the implementation of that policy.

3. Private employment agencies shall, at intervals to be determined by the competent authority, provide to that authority the information required by it, with due regard to the confidential nature of such information:

(a) to allow the competent authority to be aware of the structure and activities of private employment agencies in accordance with national conditions and practices;
(b) for statistical purposes.

4. The competent authority shall compile and, at regular intervals, make this information publicly available.

Article 14

1. The provisions of this Convention shall be applied by means of laws or regulations or by any other means consistent with national practice, such as court decisions, arbitration awards or collective agreements.

2. Supervision of the implementation of provisions to give effect to this Convention shall be ensured by the labour inspection service or other competent public authorities.

3. Adequate remedies, including penalties where appropriate, shall be provided for and effectively applied in case of violations of this Convention.

f) accès à la formation;
g) sécurité et santé au travail;
h) réparation en cas d'accident du travail ou de maladie professionnelle;
i) indemnisation en cas d'insolvabilité et protection des créances des travailleurs;
j) protection et prestations de maternité, protection et prestations parentales.

Article 12

Tout Membre doit déterminer et répartir, conformément à la législation et la pratique nationales, les responsabilités respectives des agences d'emploi privées fournissant les services visés au paragraphe 1 *b)* de l'article 1 et des entreprises utilisatrices en matière de:

a) négociation collective;
b) salaires minima;
c) horaires, durée du travail et autres conditions de travail;
d) prestations légales de sécurité sociale;
e) accès à la formation;
f) protection dans le domaine de la sécurité et de la santé au travail;
g) réparation en cas d'accident du travail ou de maladie professionnelle;
h) indemnisation en cas d'insolvabilité et protection des créances des travailleurs;
i) protection et prestations de maternité, protection et prestations parentales.

Article 13

1. Tout Membre doit, conformément à la législation et à la pratique nationales et après consultation des organisations d'employeurs et de travailleurs les plus représentatives, définir, établir et revoir régulièrement les conditions propres à promouvoir la coopération entre le service public de l'emploi et les agences d'emploi privées.

2. Les conditions mentionnées au paragraphe 1 ci-dessus doivent procéder du principe que les autorités publiques conservent la compétence pour décider en dernier ressort de:

a) la formulation d'une politique du marché du travail;
b) l'utilisation et du contrôle de l'utilisation des fonds publics destinés à la mise en œuvre de cette politique.

3. Les agences d'emploi privées doivent, à des intervalles déterminés par les autorités compétentes, fournir à celles-ci telles informations qu'elles pourront demander, en tenant dûment compte de leur caractère confidentiel:

a) afin de permettre aux autorités compétentes de connaître la structure et les activités des agences d'emploi privées, conformément aux conditions et aux pratiques nationales;
b) à des fins statistiques.

4. L'autorité compétente doit compiler et, à intervalles réguliers, mettre ces informations à la disposition du public.

Article 14

1. Les dispositions de la présente convention doivent être appliquées par voie de législation ou par tous autres moyens conformes à la pratique nationale, tels que décisions de justice, sentences arbitrales ou conventions collectives.

2. Le contrôle de l'application des dispositions visant à donner effet à la présente convention sera assuré par l'inspection du travail ou d'autres autorités publiques compétentes.

3. Des mesures correctives appropriées, y compris des sanctions s'il y a lieu, doivent être prévues en cas d'infraction aux dispositions de cette convention et être effectivement appliquées.

Article 15

This Convention does not affect more favourable provisions applicable under other international labour Conventions to workers recruited, placed or employed by private employment agencies.

Article 16

This Convention revises the Fee-Charging Employment Agencies Convention (Revised), 1949, and the Fee-Charging Employment Agencies Convention, 1933.

Article 17

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 19

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 20

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 21

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 22

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

La présente convention n'affecte pas les dispositions plus favorables applicables en vertu d'autres conventions internationales du travail aux travailleurs recrutés, placés ou employés par les agences d'emploi privées.

Article 16

La présente convention révise la convention sur les bureaux de placement payants (révisée), 1949, et la convention sur les bureaux de placement payants, 1933.

Article 17

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 18

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général du Bureau international du Travail.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 19

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 20

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et de tous actes de dénonciation qui lui seront communiqués par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 21

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 22

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 23

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 19 above, if and when the new revising Convention shall have come into force;
(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 24

The English and French versions of the text of this Convention are equally authoritative.

Article 23

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement:

a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 19 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur;

b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 24

Les versions française et anglaise du texte de la présente convention font également foi.

Recommendation 188

RECOMMENDATION CONCERNING PRIVATE EMPLOYMENT AGENCIES

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-fifth Session on 3 June 1997, and

Having decided upon the adoption of certain proposals with regard to the revision of the Fee-Charging Employment Agencies Convention (Revised), 1949, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation supplementing the Private Employment Agencies Convention, 1997;

adopts, this nineteenth day of June of the year one thousand nine hundred and ninety-seven, the following Recommendation, which may be cited as the Private Employment Agencies Recommendation, 1997:

I. GENERAL PROVISIONS

1. The provisions of this Recommendation supplement those of the Private Employment Agencies Convention, 1997, (referred to as "the Convention") and should be applied in conjunction with them.

2. (1) Tripartite bodies or organizations of employers and workers should be involved as far as possible in the formulation and implementation of provisions to give effect to the Convention.

(2) Where appropriate, national laws and regulations applicable to private employment agencies should be supplemented by technical standards, guidelines, codes of ethics, self-regulatory mechanisms or other means consistent with national practice.

3. Members should, as may be appropriate and practicable, exchange information and experiences on the contributions of private employment agencies to the functioning of the labour market and communicate this to the International Labour Office.

II. PROTECTION OF WORKERS

4. Members should adopt all necessary and appropriate measures to prevent and to eliminate unethical practices by private employment agencies. These measures may include laws or regulations which provide for penalties, including prohibition of private employment agencies engaging in unethical practices.

5. Workers employed by private employment agencies as defined in Article 1.1(b) of the Convention should, where appropriate, have a written contract of employment specifying their terms and conditions of employment. As a minimum requirement, these workers should be informed of their conditions of employment before the effective beginning of their assignment.

6. Private employment agencies should not make workers available to a user enterprise to replace workers of that enterprise who are on strike.

7. The competent authority should combat unfair advertising practices and misleading advertisements, including advertisements for non-existent jobs.

8. Private employment agencies should:

(a) not knowingly recruit, place or employ workers for jobs involving unacceptable hazards or risks or where they may be subjected to abuse or discriminatory treatment of any kind;

RECOMMANDATION CONCERNANT LES AGENCES D'EMPLOI PRIVÉES

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 3 juin 1997, en sa quatre-vingt-cinquième session;

Après avoir décidé d'adopter diverses propositions relatives à la révision de la convention sur les bureaux de placement payants (révisée), 1949, question qui constitue le quatrième point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une recommandation complétant la convention sur les agences d'emploi privées, 1997,

adopte, ce dix-neuvième jour de juin mil neuf cent quatre-vingt-dix-sept, la recommandation ci-après, qui sera dénommée Recommandation sur les agences d'emploi privées, 1997:

I. Dispositions générales

1. Les dispositions de la présente recommandation complètent celles de la convention sur les agences d'emploi privées, 1997 (ci-après dénommée «la convention») et devraient s'appliquer conjointement avec celles-ci.

2. (1) Des organes tripartites ou des organisations d'employeurs et de travailleurs devraient être associés, autant que possible, lors de l'élaboration et de l'application des dispositions visant à donner effet à la convention.

(2) Le cas échéant, la législation nationale applicable aux agences d'emploi privées devrait être complétée par des normes techniques, des directives, des codes de déontologie, des procédures d'autodiscipline ou d'autres moyens conformes à la pratique nationale.

3. Les Etats Membres devraient, lorsque cela est approprié et praticable, échanger les informations et partager l'expérience acquise au sujet des contributions des agences d'emploi privées au fonctionnement du marché du travail et en faire part au Bureau international du Travail.

II. Protection des travailleurs

4. Les Membres devraient adopter les mesures nécessaires et appropriées pour prévenir et pour éliminer les pratiques non conformes à la déontologie de la part des agences d'emploi privées. Ces mesures peuvent comprendre l'adoption de lois ou réglementations prévoyant des sanctions, y compris l'interdiction des agences d'emploi privées se livrant à des pratiques non conformes à la déontologie.

5. Les travailleurs employés par les agences d'emploi privées visées au paragraphe 1 *b)* de l'article 1 de la convention devraient, le cas échéant, avoir un contrat de travail écrit précisant leurs conditions d'emploi. Au minimum, ces travailleurs devraient être informés de leurs conditions d'emploi avant le début effectif de leur mission.

6. Les agences d'emploi privées ne devraient pas mettre à la disposition d'une entreprise utilisatrice des travailleurs aux fins de remplacer ceux de cette entreprise qui sont en grève.

7. L'autorité compétente devrait réprimer les pratiques déloyales en matière d'annonces ainsi que les annonces mensongères, y compris celles qui offrent des emplois inexistants.

8. Les agences d'emploi privées:

a) ne devraient pas sciemment recruter, placer ou employer des travailleurs à des emplois qui comportent des dangers et des risques inacceptables ou lorsqu'ils peuvent être victimes d'abus ou de traitements discriminatoires de toute sorte;

(b) inform migrant workers, as far as possible in their own language or in a language with which they are familiar, of the nature of the position offered and the applicable terms and conditions of employment.

9. Private employment agencies should be prohibited, or by other means prevented, from drawing up and publishing vacancy notices or offers of employment in ways that directly or indirectly result in discrimination on grounds such as race, colour, sex, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status, sexual orientation or membership of a workers' organization.

10. Private employment agencies should be encouraged to promote equality in employment through affirmative action programmes.

11. Private employment agencies should be prohibited from recording, in files or registers, personal data which are not required for judging the aptitude of applicants for jobs for which they are being or could be considered.

12. (1) Private employment agencies should store the personal data of a worker only for so long as it is justified by the specific purposes for which they have been collected, or so long as the worker wishes to remain on a list of potential job candidates.

(2) Measures should be taken to ensure that workers have access to all their personal data as processed by automated or electronic systems, or kept in a manual file. These measures should include the right of workers to obtain and examine a copy of any such data and the right to demand that incorrect or incomplete data be deleted or corrected.

(3) Unless directly relevant to the requirements of a particular occupation and with the express permission of the worker concerned, private employment agencies should not require, maintain or use information on the medical status of a worker, or use such information to determine the suitability of a worker for employment.

13. Private employment agencies and the competent authority should take measures to promote the utilization of proper, fair and efficient selection methods.

14. Private employment agencies should have properly qualified and trained staff.

15. Having due regard to the rights and duties laid down in national law concerning termination of contracts of employment, private employment agencies providing the services referred to in paragraph 1(b) of Article 1 of the Convention should not:

(a) prevent the user enterprise from hiring an employee of the agency assigned to it;
(b) restrict the occupational mobility of an employee;
(c) impose penalties on an employee accepting employment in another enterprise.

III. RELATIONSHIP BETWEEN THE PUBLIC EMPLOYMENT SERVICE AND PRIVATE EMPLOYMENT AGENCIES

16. Cooperation between the public employment service and private employment agencies in relation to the implementation of a national policy on organizing the labour market should be encouraged; for this purpose, bodies may be established that include representatives of the public employment service and private employment agencies, as well as of the most representative organizations of employers and workers.

17. Measures to promote cooperation between the public employment service and private employment agencies could include:

b) devraient informer les travailleurs migrants, autant que possible dans leur propre langue ou dans une langue qui leur soit familière, de la nature de l'emploi offert et des conditions d'emploi qui sont applicables.

9. Les agences d'emploi privées devraient se voir interdire, ou empêcher par d'autres moyens, de formuler ou de publier des annonces de vacances de postes ou des offres d'emploi qui auraient pour résultat, direct ou indirect, une discrimination fondée sur des motifs tels que la race, la couleur, le sexe, l'âge, la religion, l'opinion politique, l'ascendance nationale, l'origine sociale, l'origine ethnique, le handicap, le statut matrimonial ou familial, la préférence sexuelle ou l'appartenance à une organisation de travailleurs.

10. Les agences d'emploi privées devraient être encouragées à promouvoir l'égalité dans l'emploi par le moyen de programmes d'action positive.

11. Interdiction devrait être faite aux agences d'emploi privées de consigner, dans des fichiers ou des registres, des données personnelles qui ne soient pas nécessaires à l'évaluation de l'aptitude des candidats pour les emplois pour lesquels ils sont ou pourraient être considérés.

12. (1) Les agences d'emploi privées ne devraient pas conserver les données personnelles d'un travailleur plus longtemps qu'il n'est justifié par le but précis de leur collecte, ou au-delà de la période durant laquelle le travailleur souhaite figurer sur une liste de candidats.

(2) Des mesures devraient être prises pour garantir que les travailleurs puissent consulter toutes les données personnelles les concernant, qu'elles soient traitées automatiquement, par voie informatique ou manuellement. Ces mesures devraient comprendre le droit, pour le travailleur, d'obtenir et d'examiner une copie de toutes ces données, ainsi que celui d'exiger que les données incorrectes ou incomplètes soient supprimées ou rectifiées.

(3) A moins que ces données ne soient directement liées aux conditions requises par l'exercice d'une profession donnée et que le travailleur intéressé ne l'autorise expressément, les agences d'emploi privées ne devraient pas demander, conserver ou utiliser des informations sur l'état de santé d'un travailleur, ou utiliser ces informations pour décider de son aptitude à l'emploi.

13. Les agences d'emploi privées et l'autorité compétente devraient prendre des mesures pour promouvoir le recours à des méthodes de sélection appropriées, équitables et efficaces.

14. Les agences d'emploi privées devraient disposer d'un personnel suffisamment qualifié et formé.

15. En tenant dûment compte des droits et obligations prévus par la législation nationale, en ce qui concerne la cessation des contrats de travail, les agences d'emploi privées fournissant les services visés au paragraphe 1 *b)* de l'article 1 de la convention ne devraient pas:

a) empêcher l'entreprise utilisatrice de recruter le salarié mis à sa disposition;
b) limiter la mobilité professionnelle du salarié;
c) infliger des sanctions à un salarié qui accepte de travailler pour une autre entreprise.

III. RELATIONS ENTRE LE SERVICE PUBLIC DE L'EMPLOI ET LES AGENCES D'EMPLOI PRIVÉES

16. La coopération entre le service public de l'emploi et les agences d'emploi privées en vue de la mise en œuvre d'une politique nationale sur l'organisation du marché du travail devrait être encouragée; à cet effet, des organes comprenant des représentants du service public de l'emploi et des agences d'emploi privées ainsi que des organisations d'employeurs et de travailleurs les plus représentatives pourraient être mis en place.

17. Les mesures tendant à établir une coopération entre le service public de l'emploi et les agences d'emploi privées pourraient inclure:

(a) pooling of information and use of common terminology so as to improve transparency of labour market functioning;
(b) exchanging vacancy notices;
(c) launching of joint projects, for example in training;
(d) concluding agreements between the public employment service and private employment agencies regarding the execution of certain activities, such as projects for the integration of the long-term unemployed;
(e) training of staff;
(f) consulting regularly with a view to improving professional practices.

a) la mise en commun d'informations et l'utilisation d'une terminologie commune pour améliorer la transparence du fonctionnement du marché du travail;

b) des échanges d'avis de vacances de poste;

c) le lancement de projets communs, par exemple dans le domaine de la formation;

d) la conclusion de conventions entre le service public de l'emploi et les agences d'emploi privées, relatives à l'exécution de certaines activités telles que des projets pour l'insertion des chômeurs de longue durée;

e) la formation du personnel;

f) des consultations régulières visant à améliorer les pratiques professionnelles.

Resolutions adopted by the International Labour Conference at its 85th Session

(Geneva, June 1997)

I

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "General conditions to stimulate job creation in small and medium-sized enterprises" [1]

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Recommendation concerning "General conditions to stimulate job creation in small and medium-sized enterprises";

Decides that an item entitled "General conditions to stimulate job creation in small and medium-sized enterprises" shall be included in the agenda of its next ordinary session for a second discussion regarding the proposed adoption of a Recommendation concerning general conditions to stimulate job creation in small and medium-sized enterprises.

II

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Contract labour" [1]

The General Conference of the International Labour Organization,

Having adopted the report of the Committee appointed to consider the sixth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of Governments, proposals for a Convention and a Recommendation concerning contract labour;

Decides that an item entitled "Contract labour" shall be included in the agenda of its next ordinary session for a second discussion regarding the proposed adoption of a Convention and a Recommendation concerning contract labour.

III

Resolution concerning the arrears of contributions of Cape Verde [2]

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of Cape Verde for the settlement of its arrears of contributions due for the period 1993-96 to the effect that:

(a) in 1997, the Government of Cape Verde will pay in full its contribution for the year 1997;

(b) in subsequent years, the Government of Cape Verde will continue to pay its current contribution in full in the year for which it is due;

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[1] Adopted on 18 June 1997.

[2] Adopted on 17 June 1997.

(c) the Government of Cape Verde will settle arrears that have accumulated up to and including 31 December 1996, amounting in total to 130,790 Swiss francs, by the payment of 20 annual instalments beginning in 1998, made up of 19 equal instalments of 6,539 Swiss francs and a final instalment of 6,549 Swiss francs;

Decides that Cape Verde shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

IV

Resolution concerning the arrears of contributions of the Dominican Republic [1]

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of the Dominican Republic for the settlement of its arrears of contributions due for the periods 1970-76 and 1985-96 to the effect that:

(a) in 1997, the Government of the Dominican Republic will pay in full its contribution for the year 1997;

(b) in subsequent years, the Government of the Dominican Republic will continue to pay its current contribution in full in the year for which it is due;

(c) the Government of the Dominican Republic will settle arrears that have accumulated up to and including 31 December 1996, amounting in total to 1,153,755 Swiss francs, by an immediate payment of 280,515 Swiss francs and by payment of five equal annual instalments of 145,000 Swiss francs and a final instalment of 148,240 Swiss francs, beginning in 1998;

Decides that the Dominican Republic shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

V

Resolution concerning the arrears of contributions of Djibouti [1]

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations,

Accepts the arrangement proposed by the Government of Djibouti for the settlement of its arrears of contributions due for the period 1990-96 to the effect that:

(a) in 1997, the Government of Djibouti will pay in full its contribution for the year 1997;

(b) in subsequent years, the Government of Djibouti will continue to pay its current contribution in full in the year for which it is due;

(c) the Government of Djibouti will settle arrears that have accumulated up to and including 31 December 1996, amounting in total to 209,207 Swiss francs, by an immediate payment of 67,855 Swiss francs and the payment, beginning in 1998, of four annual instalments of 28,270 Swiss francs, and a final annual instalment of 28,272 Swiss francs;

Decides that Djibouti shall be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

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[1] Adopted on 17 June 1997.

VI

Resolution concerning the assessment of contributions of new member States [1]

The General Conference of the International Labour Organization,

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the contribution of Saint Kitts and Nevis to the ILO budget for the period of its membership in the Organization in 1996 and 1997 be based on an annual assessment rate of 0.01 per cent.

VII

Resolution concerning the scales of assessment of contributions to the budget for the 1998-99 biennium [1]

The General Conference of the International Labour Organization,

1. Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, to adopt, for the assessment of the contributions of member States for 1998, the draft scale of assessments set out in column 3 of Appendix I to this report;

2. Requests the Director-General, through the Governing Body, to report to the International Labour Conference at its 86th Session on changes, if any, to the scale of assessment adopted by the United Nations General Assembly at its 52nd Session, and on all the implications for the ILO, including its earliest comparable application, taking due consideration of the established practice, taking into account the deliberations of its 268th Session and of the 85th Session of the International Labour Conference, and in accordance with the Constitution, Financial Regulations, related resolutions and decisions;

3. Reaffirms that the ILO scale of assessments should be based upon the latest available scale of assessment adopted by the United Nations General Assembly.

VIII

Resolution concerning the management of the ILO Staff Pensions Fund [1]

The General Conference of the International Labour Organization,

Recalling its resolution of 9 October 1946 by which it adopted revised Staff Pensions Regulations, under which, in particular, the Staff Pensions Fund became the property of the International Labour Organization to be administered for the purposes of the Regulations and managed by an Administrative Board,

Reaffirming the International Labour Organization's guarantee, in article 13 of the Regulations, of the payment of all annuities or capital sums due under those Regulations,

Considering that management by an Administrative Board is no longer justified having regard to the small number of beneficiaries and to the absence in recent years of any direct participation of the latter on the Board;

1. Decides —

(a) that the International Labour Office shall, under the supervision of its Governing Body, to which it shall annually report, henceforth have direct responsibility for the management of the Staff Pensions Fund and for the payment of benefits in accordance with the substantive provisions of the Regulations;

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[1] Adopted on 16 June 1997.

(b) that the pension adjustment system for the United Nations Joint Staff Pension Fund shall continue to be applied to benefits due under the Regulations and that any subsequent improvements in that system shall be reflected in the payment of those benefits.

2. Hereby abrogates, without prejudice to operative paragraph 1 above, all provisions of the Staff Pensions Regulations that are inconsistent with the present resolution or with any decision that may be adopted by the Governing Body pursuant to it.

IX

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization[1]

The General Conference of the International Labour Organization,

Expressing its profound appreciation to Sir William Douglas and Mr. Edilbert Razafindralambo of the services which they have diligently and consistently rendered for 15 years to the international community;

Decides, in accordance with Article III of the Statute of the Administrative Tribunal of the International Labour Organization, to appoint as judges of the Administrative Tribunal for a term of three years with effect from 1 July 1997 and, for the sake of uniformity, until 31 July 2000:

- Mr. Seydou Ba (Senegal);
- Mr. James K. Hugessen (Canada).

X

Resolution concerning the adoption of the Programme and Budget for 1998-99 and the allocation of the budget of income among member States[2]

The General Conference of the International Labour Organization:

By virtue of the Financial Regulations, adopts for the 66th financial period, ending 31 December 1999, the budget of expenditure for the International Labour Organization amounting to US$481,050,000 and the budget of income amounting to US$481,050,000, which, at the budget rate of exchange of 1.46 Swiss francs to the US dollar, amounts to 702,333,000 Swiss francs,

Bearing in mind:

- that, in adopting the budgets of income and expenditure for the 65th financial period, the General Conference requested the Director-General to present proposals to the Programme, Financial and Administrative Committee for adjustments to the budget of expenditure;
- that the Governing Body, at its 264th (November 1995) Session, accordingly agreed to make downward adjustments amounting to US$21,704,950;
- that, in consequence, if the budget of income is fully received, it is expected that there will be a budgetary surplus for the 65th financial period arising from the downward adjustments and amounting to US$21,704,950, which, at the budget rate of exchange for that financial period, would amount to 25,177,742 Swiss francs;

Resolves:

(a) that, in derogation from article 18 of the Financial Regulations, the said expected budgetary surplus of 25,177,742 Swiss francs shall be treated as budgetary income for 1998;

(b) that, in derogation from article 10.1 of the Financial Regulations, the remainder of the budget of income, denominated in Swiss francs, shall be financed from contributions from member States amounting to 338,577,629 Swiss francs in

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[1] Adopted on 16 June 1997.

[2] Adopted on 17 June 1997.

1998 and 338,577,629 Swiss francs in 1999, allocated among member States in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives for those years; and

(c) that, should the said budgetary surplus be less than 25,177,742 Swiss francs, arrears of contributions received shall be used to finance the income budget for the 66th financial period, subject, however, to the resolution adopted by the General Conference at its 82nd Session (June 1995) concerning the utilization of arrears of contributions to cover budgetary deficits.

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DELEGATIONS

Supplément au *Compte rendu provisoire* (18 juin 1997)

Conférence internationale du Travail

Quatre-vingt-cinquième session, Genève

DÉLÉGATIONS

Supplement to the *Provisional Record* (18 June 1997)

International Labour Conference

Eighty-fifth Session, Geneva

DELEGATIONS

Suplemento de *Actas Provisionales* (18 de junio de 1997)

Conferencia Internacional del Trabajo

Octogésima quinta reunión, Ginebra

DELEGACIONES

1997

LISTE FINALE
FINAL LIST
LISTA FINAL

La liste des délégations est présentée sous une forme trilingue dans l'ordre alphabétique français des pays représentés à la Conférence.

Toutes les informations concernant les noms des pays ou des organisations sont données en français, anglais et espagnol.

Les autres informations essentielles (titres et qualités des participants à la Conférence tels qu'ils figurent dans les pouvoirs officiels et fonctions exercées à la Conférence) sont indiquées dans une seule de ces langues: celle que doit utiliser le Bureau international du Travail dans la correspondance officielle avec le pays dont relève la personne intéressée.

The list of delegations is presented in trilingual form, in the French alphabetical order of the countries represented at the Conference.

All details relating to the names of countries and organisations are given in French, English and Spanish.

Other essential details (titles, positions or functions of participants as indicated in the official credentials and the Conference status of participants) are given in the language used for official correspondence between the ILO and the country in question.

En la lista trilingüe de delegaciones los países representados en la Conferencia figuran en orden alfabético francés.

Figuran en francés, inglés y español los nombres de los Estados y organizaciones asistentes a la Conferencia.

Por el contrario, los demás datos (títulos, profesiones y cargos de los participantes, tal como figuran en los poderes oficiales, y funciones ejercidas en la Conferencia) aparecen en la lengua utilizada por la Oficina Internacional del Trabajo para sus comunicaciones oficiales con el correspondiente Estado.

DÉLÉGATIONS

DELEGATIONS
(French alphabetical order)

DELEGACIONES
(Orden alfabético francés)

Les noms, titres et qualités figurant dans la liste des délégations correspondent aux indications fournies dans les pouvoirs officiels. Toute demande de rectification d'erreurs matérielles ***(erreurs typographiques, fautes d'orthographe, etc.)*** pourra être déposée au Bureau de renseignements pour qu'il en soit tenu compte dans l'édition révisée de la liste. Toute demande de modification, d'adjonction ou de suppression, etc., concernant les titres, qualités, fonctions ou statut à la Conférence indiqués dans la liste devra être adressée, sous forme de pouvoirs officiels signés par le ministre du Travail, le ministre des Affaires étrangères, le chef de la mission permanente à Genève ou le chef de la délégation du pays intéressé, au secrétariat de la Commission de vérification des pouvoirs (bureau A-235).

The names and designations appearing in the list of delegations are those given in the official credentials. Requests for correction of material errors ***(misprints, wrong spellings, etc.)*** can be handed in at the Information Desk and will be taken into account in a revised edition of the list. Any requests for modifications, additions, deletions, etc., concerning the titles, positions, functions or Conference status indicated in the list must be addressed, in the form of official credentials signed by the Minister of Labour, the Minister of Foreign Affairs, the Head of the Permanent Mission in Geneva or the head of the delegation of the country concerned, to the secretariat of the Credentials Committee (office A-235).

Los nombres, títulos y cargos que figuran en la lista de delegaciones son los que constan en los poderes oficiales. Toda solicitud de rectificación de errores de carácter material ***(tipográficos, ortográficos, etc.)*** deberá presentarse en la Oficina de Informaciones, para poder tenerla en cuenta en la edición revisada de la lista. Las solicitudes de modificación, adición, supresión, etc., de los títulos, profesiones, cargos o funciones en la Conferencia que figuren en la lista deberán dirigirse, en forma de poderes oficiales firmados por el Ministro del Trabajo, el Ministro de Relaciones Exteriores, el jefe de la Misión permanente en Ginebra o el jefe de la delegación del país interesado, a la secretaría de la Comisión de Verificación de Poderes (despacho A-235).

Afghanistan Afghanistan Afganistán

Délégué gouvernemental

TANDAR, Humayun, M., Ministre conseiller, Chargé d'Affaires, Mission Permanente à Genève.

Afrique du Sud South Africa Sudáfrica

Minister attending the Conference

MBOWENI, T., Mr., Minister of Labour.

Persons accompanying the Minister

SITHOLE, D., Mr., Personal Assistant to the Minister of Labour.

RANDALL, E., Ms., Ministerial Media Officer.

Government Delegates

PITYANA, S., Mr., Director-General, Department of Labour.

KETTLEDAS, L., Mr., Deputy Director-General, Labour Relations Policy and Human Resources Development.

Adviser and substitute delegate

JOHANNES, G.H., Mr., Director, International Relations, Department of Labour.

Advisers

SEFTEL, L., Ms., Department of Labour.

MAESELA, P., Ms., Department of Labour.

ABRAHAMS, C., Mr., Department of Trade and Industry.

YAWA, E.M., Mr., Human Resources, Department of Labour.

SELEBI, J.S., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

OBERHOLZER, A., Mr., Second Secretary, Permanent Mission, Geneva.

NKOSI, M., Mr., Department of Labour.

Other persons attending the Conference

NIEUWOUDT, E.K., Mr., Advocate, Director and Head, Department of Labour Relations, UNISA.

POTGIETER, S., Ms., Labour Relations Manager and Head, Training Division, Department of Labour Relations, UNISA.

GARBERS, C., Mr., Labour Relations Consultant and Senior Lecturer, Department of Mercantile Law, UNISA.

SOOKLAL, A., Mr., Counsellor, Permanent Mission, Geneva.

LUBBE, D.M., Ms., Permanent Mission, Geneva.

CALLINICOS, L., Ms., Department of Labour.

OLIPHANT, G.G., Mr., National Assembly Portfolio Committee.

VAN DER WALT, B.J., Mr., National Council of Provinces Select Committee.

FOSTER, J.A., Mr., National Council of Provinces Select Committee.

NAIKER, R., Mrs., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

BOTHA, J.W., Mr., BSA.

Adviser and substitute delegate

VAN NIEKERK, A, Mr., BSA.

Advisers

DOWIE, F., Ms., BSA.

BEZUIDENHOUT, G., Mr., BSA.

KLEYNHANS, J.J., Mr., BSA.

ERNST, S.C., Mr., BSA.

LAMPRECHT, A.J., Mr., BSA.

MOSHAPALO, D., Mr., BSA.

TSHALATA, A., Mr., NAFCOC.

Workers' Delegate

SIFINGO, Bangumzi, Mr., COSATU.

Adviser and substitute delegate

NGCUKANA, Cunningham, Mr., NACTU.

Advisers

SHILOWA, Sam, Mr., COSATU.

NKADIMENG, G, Mr., COSATU.

PHOTOLO, Peggy, Ms., COSATU.

TAUKOBONG, Emily, Ms., COSATU.

GROBLER, L., Mr., FEDUSA.

Other person attending the Conference

VENTER, A, Mr., FEDUSA.

Albanie Albania Albania

Ministre assistant à la Conférence

SHERIFI, Elmaz, M., Ministre du Travail et des Affaires sociales.

Personne accompagnant le Ministre

DIBRA, Silvana, Mme, Chef du Secteur des Relations avec les Institutions publiques locales et étrangères.

Délégués gouvernementaux

GJONEJ, Andi, M., Ambassadeur, Mission permanente à Genève.

ODOBASHI, Luan, M., Spécialiste au Département des Relations du Travail.

Conseiller technique et délégué suppléant

GEGA, Margarita, Mme, Deuxième Secrétaire, Mission permanente à Genève.

Délégué des employeurs

GOLJA, Hamdie, Mme, Confédération énergétique albanaise.

Conseiller technique et délégué suppléant

GODROLI, Vangjel, M., Union des employeurs.

Conseillers techniques

KAMBO, Imir, M., Confédération des hommes d'affaires.

SHMILI, Ilir, M., Corporation d'Albkrome.

SALA, Bashkim, M., Confédération des petites et moyens entreprises.

Délégué des travailleurs

MUÇO, Kastriot, M., Président de la Confédération des Syndicats.

Autres personnes assistant à la Conférence

NUSHAJ, Tomor, M., Syndicat indépendant des Mineurs.

FEJZULLAI, Veli, M., Syndicat de l'Albpétrole.

ASLLANI, Kastriot, M., Syndicat de l'Albpétrole.

Algérie Algeria Argelia

Délégués gouvernementaux

DEMBRI, Mohamed-Salah, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

BOUTALEB, Abdelaziz, M., Chef de Cabinet, Ministère du Travail, de la Protection sociale et de la Formation professionnelle.

Conseillers techniques et délégués suppléants

RAMOUL, Kheiredine, M., Sous-Directeur, Ministère des Affaires étrangères.

MESSAOUI, Mahiddine, M., Ministre Conseiller, Mission permanente à Genève.

Conseillers techniques

MEGREROUCHE, Mouloud, M., Directeur des Etudes juridiques du Contentieux et de la Coopération, Ministère du Travail, de la Protection sociale et de la Formation professionelle.

BOURBIA, Ahmed, M., Directeur de l'Organisation et de la Formation, Ministère du Travail, de la Protection sociale et de la Formation professionelle.

KIES, Saïda, Mme, Sous directeur de la Législation et de la Réglementation, Ministère du Travail, de la Protection sociale et de la Formation professionnelle.

BELLAHCENE, Zahir, M., Directeur des Relations de Travail, Ministère du Travail, de la Protection sociale et de la Formation professionnelle.

GUEDDOUH, Mohamed, M., Sous directeur des Etudes juridiques, Ministère du Travail, de la Protection sociale et de la Formation professionnelle.

AZZIEZ, Mohamed, M., Directeur d'Etudes, Ministère du Travail, de la Protection sociale et de la Formation professionnelle.

MEZOUANE, Rabea, Mme, Directeur d'études, Présidence de la République.

BELHOCINE, Mohamed-Saïd, M., Inspecteur général du Travail.

Délégué des employeurs

MEGATELI, El Mahfoudh, M., Secrétaire général de la Confédération générale des Opérateurs économiques algériens (CGOEA).

Conseillers techniques

YOUSFI, Habib, M., Président, CGEOA.

LOUNIS KHODJA, Smail, M., Vice-président, CGEOA.

AIT AHCENE, Hocine, M., Confédération nationale du Patronat algérien (CNPA).

OULD HENIA, Baghdad, M., CNPA.

Délégué des travailleurs

SIDI SAID, Abdelmadjid, M., Secrétaire général de l'Union générale des Travailleurs algériens (UGTA).

Conseillers techniques

BENATIA, Kada, M., Secrétaire national, UGTA.

RAHMA, Boudjemaa, M., CEN/UGTA.

Allemagne Germany Alemania

Government Delegates

VOSKUHL, Ursula, Mrs., Director-General, European and International Social Policy Department, Federal

Ministry of Labour and Social Affairs; Member, Governing Body of the ILO.

FENDRICH, Peter, Mr., Director, International Social Policy (outside EU), Federal Ministry of Labour and Social Affairs; Substitute member, Governing Body of the ILO.

Advisers and substitute delegates

EBERLE, Holger, Mr., Minister, Permanent Mission, Geneva.

WILLERS, Dietrich, Mr., Head, Section for UN and ILO Affairs, Federal Ministry of Labour and Social Affairs; Substitute Member, Governing Body of the ILO.

RINGKAMP, Werner, Mr., Permanent Mission, Geneva.

Advisers

RESTLE, Diether, Mr., Head of Section, Department for Labour Market Policy and Social Affairs.

MULLER, M.C., Mr., Federal Ministry of Labour and Social Affairs.

WETZ, Clemens, Mr., Permanent Mission, Geneva.

ADERHOLT, Eltje, Mrs., Permanent Mission, Geneva.

LEMMER, Andreas, Mr., Expert, Federal Ministry of Labour and Social Affairs.

GEIGER, Jörg, Mr., Permanent Mission, Geneva.

Employers' Delegate

THÜSING, Rolf, Mr., Executive Board, Confederation of German Employers' Associations (BDA); Member, Governing Body of the ILO.

Advisers and substitute delegates

WISSKIRCHEN, Alfred, Mr., Director, Labour Law Department, BDA.

HESS, Christian, Mr., Deputy Director, International Social Policy and European Union Department, BDA.

Advisers

REICHLING, Robert, Mr., Director, Labour Market and Vocational Training Department, BDA.

DENKHAUS, Gert, Mr., Director General, German Confederation of Temporary Work Businesses and other Personal Services; Director-General, German Confederation of Private Placement Agencies.

STEGE, Dieter, Mr., Director General, Federation of Employers' Associations in the Land North-Rhine-Westphalia.

PAPENFUSS, Rolf, Mr., Director, Business Economics Department, German Confederation of Chambers of Skilled Crafts.

Other persons attending the Conference

HUNDT, Dieter, Mr., President, BDA.

GÖHNER, Reinhard, Mr., Managing Director, BDA.

UNGERER, Götz-Michael, Mr., Vice President, Market Development Europe, Adecco Enterprise.

GAUDER, Sabine, Ms.

Workers' Delegate

ENGELEN-KEFER, Ursula, Mrs., Vice-President, German Confederaion of Trade Unions (DGB); Member, Governing Body of the ILO.

Adviser and substitute delegate

ADAMY, Wilhelm, Mr., Federal Executive Board, Labour Market and International Social Policy Department, DGB.

Advisers

KNAPPER, Renate, Mrs., Public Service and Transport Workers' Union (OTV).

KAUFMANN, Inge, Mrs., Federal Executive Board, Labour Market and International Social Policy Department, DGB.

LAZAR, Dieter, Mr., Construction, Rural and Environment Workers' Union.

GABRIEL, Hans, Mr., Structural Policy Department, Federal Executive Board, DGB.

LÖRCHER, Klaus, Mr., German Postal Workers' Union.

WERNER, Heike, Mrs., Expert on Women's Questions, German Salaried Employees' Union (DAG).

ECKL, Jürgen, Mr., International Department, Federal Executive Board, DGB.

Persons appointed in accordance with Article 2, paragraph 3(i)

SIELAFF, Rüdiger, Mr., Friedrich-Ebert-Foundation.

SCHWEISSHELM, Erwin, Mr., Friedrich-Ebert-Foundation.

KNEITSCHEL, Dietmar, Mr., Friedrich-Ebert-Foundation.

SCHILLINGER, Hubert, Mr., Friedrich-Ebert-Foundation.

Angola Angola Angola

Ministre assistant à la Conférence

PITRA NETO, Antonio, M., Ministre de l'Administration publique, de l'Emploi et de la Sécurité sociale.

Délégués gouvernementaux

N'GONGO, João Pedro, M., Juriste, Departement des Relations internationales, Ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.

MACHADO LUIS, Luis, M., Directeur nationale, Ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.

Conseillers techniques

RODRIQUES, Adão Manuel, M., Chef de Département, Ministère de l'Administration publique, de l'Emploi et de la Sécurité sociale.

CONSTANTINO, Mario de Azevedo, M., Chef du Département, Ministère des Relations extérieures.
VENTURA, André, M., Chef du Département du Ministère des Relations extérieures.

Délégué des employeurs

TIAGO GOMES, Antonio, M., Secrétaire exécutif, Chambre du Commerce et de l'Industrie.

Conseillers techniques

QUILOLA, Venancio, M., Chambre du Commerce et de l'Industrie.
JOÃO, Antonio Francisco, M., Directeur, (ENSA), Chambre du Commerce et de l'Industrie.

Délégué des travailleurs

LIMA, João Forte, M., Secrétaire, Union nationale des Travailleurs angolais,. Confédération syndicale.

Conseillers techniques

EDUARDO, Antonio, M., Directeur, Département internationales, Central général des Syndicats indépendants et libres.
DA SILVA NETO, Paulo Fernandes, M., Chef du Département, Union nationale des Travailleurs angolais, Confédération syndicale.

Arabie saoudite Saudi Arabia Arabia Saudita

Minister attending the Conference

AL-SENANY, Musaad Mohamed, Mr., Minister of Labour and Social Affairs.

Government Delegates

KENTAB, Yousef Yacoub, Mr., Deputy Minister for Labour Affairs.
AL KHALIDI, Mohammed Said, Mr., Director-General, International Organizations Affairs.

Advisers and substitute delegates

AL-MOLHEM, Mohammad A., Mr., Assistant Deputy Minister for Social Development.
AL-BWARDY, Abdulrahman Saad, Mr., Labour Adviser, Manpower Department.
AL-HADLAQ, Abdulaziz I.S., Mr., International Organizations Affairs Department.
AL-YAHYA, Yahya N., Mr., International Organizations Affairs Department.
AL-MADI, Torki, Mr., First Secretary, Permanent Mission, Geneva.
SHATA, Hashim, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

DAHLAN, Abdullah Sadiq, Mr., Secretary-General, Jeddah Chamber of Commerce and Industry.

Workers' Delegate

JUMMA, Adnan Saleh, Mr., Chief, Labour Relations Department, Aramco.

Adviser

NASSIR BIN SALAMAH, Saad Bin, Mr., Officer in Charge, Manpower, Training and Organization, Saudi Basic Industries Corp. (SABIC.)

Argentine Argentina Argentina

Ministro asistente a la Conferencia

CARO FIGUEROA, José Armando, Sr., Ministro de Trabajo y Seguridad Social.

Persona que acompaña al Ministro

SANCHEZ ARNAU, Juan Carlos, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Delegados gubernamentales

BENITEZ, Manuel Julio, Sr., Ministro, Representante Permanente Adjunto, Misión Permanente en Ginebra.
TOSONOTTI, María Cristina, Srta., Secretario de Embajada, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

ESTEVEZ, Antonio Manuel, Sr., Subsecretario de Relaciones Laborales, Ministerio de Trabajo y Seguridad Social.
CORRADETTI, Susana, Sra., Asesora de Gabinete, Ministerio de Trabajo y Seguridad Social.
RAMPOLDI, Jorge Alberto, Sr., Subsecretario de Trabajo de la Provincia de Buenos Aires.
MALPEDE, Diego, Sr., Secretario de Embajada, Misión Permanente en Ginebra.

Otras personas que asisten a la Conferencia

ALMIRÓN, Carlos, Sr., Senador Nacional.
TELL, Alberto, Sr., Senador Nacional.
ATANASOF, Sr., Diputado Nacional.
BRITOS, O., Sr., Diputado Nacional.
CHICA RODRIGUEZ, Juan José, Sr., Diputado Nacional.
GATTI, H., Sr., Diputado Nacional.
NIEVA, Sr., Diputado Nacional.

PERNASSETTI, Sr., Diputado Nacional.

Delegado de los empleadores

SEBASTIANI, Claudio, Sr., Diputado Nacional y Presidente, Unión Industrial Argentina (UIA).

Consejero técnico y delegado suplente

FUNES DE RIOJA, Daniel, Sr., Presidente, Departamento de Política Social, UIA; Miembro Alterno del Consejo de Administración de la OIT.

Consejeros técnicos

HERMIDA MARTINEZ, Darío, Sr., Presidente, Comisión de Recursos Humanos, UIA.
MANTILLA, Enrique, Sr., Vicepresidente, Comisión de Política Laboral, UIA.
ALDAO ZAPIOLA, Carlos, Sr., Vicepresidente, Comisión de Recursos Humanos, UIA.
BOLO, Ovidio, Sr., Presidente, Cámara de Supermercado y Vicepresidente de la Cámara Argentina de Comercio.
MELIAN, Carlos, Sr., Asociación de Bancos Argentinos.
FRABOSCHI, Ricardo, Sr., Unión Argentina de la Construcción.
GELMI, Juan Carlos, Sr., Tesorero, Coordinadora Actividades Mercantiles Empresarias (CAME).
SPAGHI, Patricio, Sr., Secretario, Departamento de Política Social, UIA.
SALVAT, María, Sra., Unión de Entidades de Servicios.

Personas designadas de conformidad con el articulo 2, párrafo 3. i)

EURNEKIAN, Murat, Sr.
RODRIGUEZ, José Miguel, Sr.
GHEZZI, Oscar Alberto, Sr.
FIORE, Luis María, Sr.
ESPOUEYS, Jorge, Sr.

Delegado de los trabajadores

DAER, Rodolfo, Sr., Secretario General, CGT.

Consejeros técnicos y delegados suplentes

VENTURINI, Enrique, Sr.
WEST OCAMPO, Carlos, Sr.
LEZCANO, Oscar, Sr.

Consejeros técnicos

MARTINEZ, Gerardo, Sr.
HERMOSO, Reynaldo, Sr.
GARCIA, Juan miguel, Sr.
BALDASSINI, Ramón, Sr.
RANU, Romildo, Sr.
SUAREZ, Enrique, Sr.
MASTROIANNI, Gerardo, Sr.

Personas designadas de conformidad con el articulo 2, párrafo 3. i)

TOMADA, Carlos, Sr.
RIAL, Noemí, Sra.
VALIÑO, Antonio, Sr.
TOMASONE, Alberto Lorenzo, Sr.
TOPET, Pablo, Sr.

Australie Australia Australia

Government Delegates

FISHER, Tom, Mr., Assistant Secretary, Standards Policy Branch, Department of Industrial Relations.
MOORE, Stephen, Mr., Director, Employment and Purchasing Division, Department of Employment, Education, Training and Youth Affairs.

Advisers

CAMPBELL, John, Mr., Ambassador, Permanent Mission, Geneva.
VAN DER WAL, Eric, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

NOAKES, Bryan, Mr., Director-General, Australian Chamber of Commerce and Industry (ACCI).

Workers' Delegate

SUTTON, John, Mr., National Assistant Secretary, Construction, Forestry, Mining and Energy Union (CFMEU).

Autriche Austria Austria

Minister attending the Conference

HOSTASCH, Eleonora, Mrs., Federal Minister of Labour, Health and Social Affairs.

Persons accompanying the Minister

GLETTLER, Edeltraud, Mrs., Federal Ministers' Secretary.
BUCHACHER, Ulrike, Ms., Federal Minister's Secretary.

Government Delegates

MELAS, Heinz-Michael, Mr., Director, Federal Ministry of Labour, Health and Social Affairs.
LANGHAMMER, Herbert, Mr., Director, Federal Ministry of Labour, Health and Social Affairs.

Adviser and substitute delegate

KREID, Harald, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

LENTSCH, Wolfgang, Mr., Director, Federal Ministry for Economic Affairs.

SOUKOP, Oswald, Mr., Minister, Federal Ministry for Foreign Affairs.

POROPATICH, Engelbert, Mr., Counsellor, Federal Ministry of Labour, Health and Social Affairs.

DEMBSHER, Iris, Mrs., Senior Commissar, Federal Ministry of Labour, Health and Social Affairs.

FRANK, Ulrich, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

ARBESSER-RASTBURG, Max, Mr., Professor; Manager, Herz Armaturen AG; Substitute Member, Governing Body of the ILO.

Advisers and substitute delegates

BRAUNER, Heinrich, Mr., Chief, Social Insurance and Workers' Protection Division, Federation of Austrian Industrialists.

STRIMITZER, Dietmar, Mr., Social Policy Division, Austrian Federal Economic Chamber.

Workers' Delegate

VERZETNITSCH, Friedrich, Mr., President, Austrian Confederation of Trade Unions.

Advisers and substitute delegates

NEUGEBAUER, Fritz, Mr., Vice-President, Austrian Confederation of Trade Unions.

FRIEHS, Franz, Mr., Social Policy Division, Austrian Confederation of Trade Unions.

RAUB, Gerhard, Mr., Secretary, Workers' Union for Metal, Mining and Energy.

Adviser

KLEIN, Christoph, Mr., Secretary, Social Policy Department, Social Policy Department,Vienna Chamber of Labour.

Bahamas

Minister attending the Conference

MOXEY-INGRAHAM, Theresa, Mrs., Minister of Labour, Immigration and Training.

Person accompanying the Minister

SMITH, Luther, Mr., Premier Secretary.

Government Delegates

SYMONETTE, Donald, Mr., Director of Labour.

DEAN, Leslie M., Mr., ILO Desk Officer, Secretary, Industrial Tribunal.

Employers' Delegate

JOHNSON-SMITH, Sheila, Mrs., Employers' Confederation.

Workers' Delegate

CARTER, Frank, Mr., National Congress of Trade Union.

Adviser and substitute delegate

SARGENT, Alvin N., Mr., Electrical Workers' Union.

Bahreïn Bahrain Bahrein

Minister attending the Conference

AL SHO'ALA, Abdulnabi Abdulla, Mr., Minister of Labour and Social Affairs.

Government Delegates

AL-HADDAD, Ahmed Mahdi, Mr., Permanent Representative, Permanent Mission, Geneva.

AL-KHALIFA, Abdulrahman Bin Abdulla, Mr., Assistant Undersecretary for Labour Affairs.

Advisers

KHAZI, Izzat Abdulnabi, Mr., Labour and Legal Adviser.

AL DOSERI, Subah Salem, Mr., Director, Office of the Minister.

AL JUNAID, Ebrahim Muhammed, Mr., Chief, Expatriate Employment Section.

ALI HUMAIDAN, Jameel M., Mr., Head, Labour Affairs, Council of Ministers of Labour & Social Affairs in GCC States.

Employers' Delegate

ZAIN AL-ABEDIN, Hassan Mohammed, Mr., First Vice-President, Bahrain Chamber of Commerce.

Workers' Delegate

HASSAN FULAD, Faisal, Mr., President, General Committee for Bahrain Workers.

Advisers

ABDULRAHMAN MOHAMMED, Mohamed, Mr., General Committee for Bahrain Workers.
MOHAMMED, S. Abdulmohsin, Mr., General Committee for Bahrain Workers.

Bangladesh

Minister attending the Conference

MANNAN, M.A., Mr., State Minister, Ministry of Labour and Manpower.

Government Delegates

SARKAR, Muhammad Ahsan Ali, Mr., Secretary, Ministry of Labour and Manpower.
CHOWDHURY, Iftekhar Ahmed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

TALUKDER, M.A.S., Mr., Labour Director, Department of Labour.
ISLAM, M. Shahidul, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

QUAYES, M. Mijarul, Mr., Counsellor, Permanent Mission, Geneva.
RAHMAN, Khalilur, Mr., Counsellor, Permanent Mission, Geneva.

Employers' Delegate

MINTOO, Abdul Awal, Mr., President, Employers' Association.

Adviser and substitute delegate

HYDER, C.K., Mr., Secretary General, Employers' Association.

Workers' Delegate

AHSAN ULLAH, M., Mr., General Secretary, Jatiya Sramik League.

Advisers and substitute delegates

BASHAR, Abul, Mr., President, Gonotantrik Sramik Federation.
KHAN, Nazrul Islam, Mr., General Secretary, Jatiatabadi Sramik Dal.

Advisers

GAFUR, M.A., Mr., General Secretary, Jatiya Sramik Party.
AHMED, Kutub Uddin, Mr., General Secretary, Workers' Federation.
KHAN, Wajedul Islam, Mr., General Secretary, Trade Union Kendra.
AHMED, Protap Uddin, Mr., General Secretarty, Trade Union Sangha.
KHAN, Liyakat Ali, Mr., Adviser, Amin Jute Mills Workers' Federation.

Barbade Barbados Barbados

Minister attending the Conference

GREENIDGE, Rudolph, Mr., Minister of Labour, Community Development and Sports.

Government Delegates

YOUNG, Elsworth, Mr., Permanent Secretary, Ministry of Labour, Community Development and Sports.
CODRINGTON, Mitchell, Mr., Chief Labour Officer, Labour Department.

Employers' Delegate

ROACH, Thomas, Mr., Executive Director, Barbados Employers' Confederation.

Workers' Delegate

TROTMAN, Leroy, Mr., General Secretary, Barbados Workers' Union.

Belarus

Government Delegates

LYAKH, Ivan, Mr., Minister of Labour.
AGURTSOU, Stanislau, Mr., Ambassador, Permanent Mission, Geneva.

Advisers and substitute delegates

IVANOV, Oleg, Mr., Counsellor, Permanent Mission, Geneva.
KUPCHYNA, Alena, Mrs., Counsellor, Permanent Mission, Geneva.

Employers' Delegate

KUNYAVSKY, Max, Mr., President, Union of Entrepreneurs and Leaseholders .

Adviser and substitute delegate

VESELOV, Yuri, Mr., Vice-President, Union of Entrepreneurs and Leaseholders.

Advisers

AVERIANOV, Yuri, Mr., Director-General, Innovation Production-Commercial Company "Intex".

KARPACH, Lev, Mr., Director-General, Minsk Production Association of Photo Services "Vilia".

SEKACH, Gennady, Mr., Director, Liakhovichi Works "Metalloplastmas".

SHURAKOV, Sergei, Mr., Insurance Company "West ASKO".

VENIAMINOV, Reiman, Mr., President, "Westa" Company.

Workers' Delegate

GONCHARIK, Vladimir, Mr., Chairman, Federation of Trade Unions.

Advisers and substitute delegates

BULGAK, Vadim, Mr., Deputy Chairman, Federation of Trade Unions.

PODOLINSKY, Oleg, Mr., Chief, International Relations Department, Federation of Trade Unions.

Adviser

BARANOVSKY, Michael, Mr., Chairman, Trade Union Committe, Mozyr Oil Refinery Plant.

Belgique Belgium Bélgica

Ministre assistant à la Conférence

SMET, Miet, Mme, Ministre de l'Emploi et du Travail.

Personnes accompagnant les ministres

JADOT, Michel, M., Secrétaire général, Ministère de l'Emploi et du Travail.

COX, Guy, M., Chef du Cabinet du Ministre de l'Emploi et du Travail.

DE SAEGHER, Tom, M., Collaborateur au Cabinet du Ministre de l'Emploi et du Travail.

Délégués gouvernementaux

VAN DEPOELE, Robert, M., Vice-président honoraire du Conseil national du travail.

VANDAMME, François, M., Conseiller général, Chef du service des relations internationales, Ministère de l'Emploi et du Travail.

Conseiller technique et délégué suppléant

NOIRFALISSE, Jean-Marie, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Conseillers techniques

DE GOLS, Michel, M., Conseiller général, Administration de la réglementation et des relations du travail, Ministère de l'Emploi et du Travail.

CLOESEN, Joseph, M., Conseiller adjoint, Service des relations internationales, Ministère de l'Emploi et du Travail.

BELIEN, Marc, M., Conseiller adjoint, Service d'études, Ministère de l'Emploi et du Travail.

DE SCHOUTHEETE DE TERVARENT, Marc, M., Représentant permanent adjoint, Mission permanente à Genève.

CORNET D'ELZIUS, John, M., Premier Secrétaire, Mission permanente à Genève.

WALGRAVE, Jo, Mme, Présidente, Conseil National du Travail.

ROELANDS, Marc, M., Conseiller adjoint au Service d'études DG 1, Ministère des Classes moyennes et de l'Agriculture.

MORTIER, Yves, M., Directeur, Administration centrale, Office communautaire et régional de la Formation professionnelle et de l'Emploi (FOREM).

ROUSSEAU, Philippe, M., Attaché juridique, FOREM.

DEBREMAEKER, Pol, M., Directeur général adjoint, Office régional bruxellois de l'emploi (ORBEM).

BUELENS, Theo, M., Assistant administratif, Service des relations internationales, Ministère de l'Emploi et du Travail.

BOURGOIGNIE, Christian, M., Conseiller, Attaché pour la Communauté française de Belgique à Genève.

STOKKINK, Denis, M., Conseiller, Cabinet du Ministre-Président.

STORMS, Pascal, M., Adjoint du Directeur, Administration de l'Emploi de la Communauté flamande.

VAN DER STRICHT, Patrick, M., Adjoint du directeur, Administration de la Politique étrangère de la Communauté flamande.

Autre personne assistant à la Conférence

MAXIMUS, Lydia, Mme, Sénateur; Président, Commission des Affaires sociales du Sénat.

Délégué des employeurs

VAN HOLM, Jan, M., Directeur, Fédération des entreprises de Belgique.

Conseiller technique et délégué suppléant

DA COSTA, Jacques, M., Directeur, Fédération pétrolière belge.

Conseillers techniques

D'AOUST, Jean-Claude, M., Président, UPEDI.

SEVRAIN, Anne, Mme, Conseiller, Fédération des entreprises de Belgique.
MUYLDERMANS, Herwig, M., Directeur, UPEDI.
STORM, Marie-Louise, M., Conseiller, FABRIMETAL.
DEMEESTER, Niko, M., Responsable du Service Petites et Moyennes Entreprises, Fédération des entreprises.

Délégué des travailleurs

DE VITS, Mia, Mme, Secrétaire générale, Fédération générale du travail.

Conseiller technique et délégué suppléant

PEIRENS, Willy, M., Président, Confédération des syndicats chrétiens.

Conseillers techniques

HAAZE, Guy, M., Président, Centrale générale des syndicats libéraux.
DELCROIX, Jean-Paul, M., Conseiller, Fédération générale du travail.
DELARUE, Rudy, M., Conseiller juridique, Service d'études, Confédération des syndicats chrétiens.
DE MÛELENAERE, Donald, M., Conseiller général, Centrale générale des syndicats libéraux.
DEREYMAEKER, Jan, M., Chef du Service relations internationales, Confédération des syndicats chrétiens.
DIRIX, Frans, M., Secrétaire national, Centrale chrétienne de l'Alimentation.
DELIEGE, Jean-Paul, M., Conseiller, Fédération générale du travail.
SKA, Marie-Hélène, Mme, Service d'études, Confédération des syndicats chrétiens.
VANDENRIESSCHE, Greet, Mme, Attahcée de presse, Confédération des syndicats.

Belize Belize Belice

Government Delegate

BENNETT, Edney, Mr., Labour Commissioner, Ministry of the Public Service and Labour.

Employers' Delegate

BURROWES, Margarita Elena, Ms., Secretary, Executive Council, Belize Chamber of Commerce and Industry.

[illegible]

DAVIS, Raymond, Mr., President, National Trade Union Congress.

Benin

Ministre assistant à la Conférence

YAKOUBOU, Assouma, M., Ministre de la Fonction publique, du Travail et de la Réforme administrative.

Délégués gouvernementaux

ONI, Jules, M., Directeur du Travail.
ADONON, Grâce Théodora, Mme, Chef, Service Relations internationales du Travail.

Conseiller technique et délégué suppléant

AROUNA, Boubacar, M., Directeur général, Office de Sécurité sociale.

Délégué des employeurs

GLELE, Lucien G., M., Vice président, Organisation des Employeurs.

Délégué des travailleurs

LAWANI, Amidou, M., Secrétaire général, UNSTB.

Conseillers techniques

IBRAHIMA, Zakari, M., Secrétaire général, CSA-Benin.
TODJINOU, Pascal, M., Secrétaire général, CGTB.
AZOUA, Gaston, M., Secrétaire Général, CSTB.

Bolivie Bolivia Bolivia

Ministro asistente a la Conferencia

ESPAÑA SMITH, Jorge, Sr., Ministro de Trabajo.

Delegados gubernamentales

SAINS, Abel Elias, Sr., Subsecretario de Cooperativas.
LEMA PATIÑO, Jorge, Sr., Embajador, Representante Permanente, Missión Permanente en Ginebra.

Consejero técnico y delegado suplente

QUISPE CALLISAYA, Jaime, Sr., Ministro Consejero , Misión Permanente en Ginebra.

Delegado de los empleadores

CAMACHO PARADA, José Luis, Sr., Presidente Ejecutivo, Confederación de Empresarios Privados.

Consejero técnico y delegado suplente

ESPAÑA SMITH, Raúl, Sr., Asesor General.

Delegado de los trabajadores

RAMIRES, Edgar, Sr., Secretario Ejecutivo de la Central Obrera Boliviana.

Bosnie-Herzégovine
Bosnia and Herzegovina
Bosnia y Herzegovina

Government Delegates

FADZAN, Sefik, Mr., Counsellor, Permanent Mission, Geneva.

RADJO, Sabahka, Ms., Attaché, Permanent mission, Geneva.

Botswana

Minister attending the Conference

TEMANE, Bahiti, Mr., Minister of Labour and Home Affairs.

Government Delegates

SEBELE, B.K., Mr., Permanent Secretary, Ministry of Labour and Home Affairs.

PALAI, Mothusi B.R., Mr., Commissioner of Labour and Social Security.

Adviser and substitute delegate

MOJAFI, Claude A., Mr., Assistant Commissioner of Labour.

Advisers

SEEMULE, Sissy V., Ms., Regional Labour Officer.

DE VILLIERS, David J., Mr., Industrial Court Judge.

Employers' Delegate

MATLHAKU, Tselanngwe L., Mr., Human Resources Manager, Kgalagadi Breweries.

Workers' Delegate

MBONINI, Elias B., Mr., Chairman, Botswana Federation of Trade Unions.

Brésil Brazil Brasil

Minister attending the Conference

PAIVA, Paulo de Tarso Almeida, Mr., Minister of Labour.

Persons accompanying the Minister

LAFER, Celso, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

VERGNE SABOIA, Gilberto, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Government Delegates

ANDRADE RIBEIRO DE OLIVEIRA, Daniel, Mr., Secretary, Salary and Employment Policies, Ministry of Labour.

JATOBA BEZERRA DOS SANTOS, Sebastião Jorge, Mr., Special Adviser, Ministry of Labour.

Adviser and substitute delegate

GOMES DOS SANTOS, Maria Helena, Mrs., Chief, International Affairs, Ministry of Labour.

Advisers

DE AZEVEDO MELLO, Sandra Miriam, Mrs., Legal Adviser, Ministry of Labour.

SOARES DE OLIVEIRA, Leonardo, Mr., Deputy Secretary, Labour Inspection, Ministry of Labour.

RIBEIRO DE SANTANA, Marcilio, Mr., Deputy Coordinator, Mercosul Subgroup 10, Ministry of Labour.

CURADO JUNIOR, Clovis Felix, Mr., Coordinator, Industrial Relations, Ministry of Labour.

DE MATTOS HOSANNAH, Eduardo, Mr., Chief of Cabinet, Ministry of Labour.

PAIXAO PARDO, Sergio, Mr., Chief, International Organizations' Division, Ministry of Labour.

COELHO DE SOUZA, Leonardo, Mr., Third Secretary, Permanent Mission, Geneva.

GORGULHO FERNANDES, Leonardo, Mr., Third Secretary, Ministry of Foreign Affairs.

PICHLER, Naiara, Mrs., Coordinator, Labour Affairs, Legal Division, Ministry of Labour.

Other persons attending the Conference

BIOLCHI, Oswaldo, Mr., Member of Parliament.

VARGAS, Arlindo, Mr., Member of Parliament.

MENEGUELLI, Jair, Mr., Member of Parliament.

RESENDE, Zaire, Mr., Member of Parliament.

ABDALA, Vantuil, Mr., High Labour Court.

DE BRITO, Armando, Mr., High Labour Court.

PEREIRA COELHO, Jefferson Luiz, Mr., General Labour Attorney.

SANCHES DE MENDONCA, Maria Guiomar, Mrs., Deputy General Labour Attorney.

CAMPELO, Valmir, Mr., Senator.
ROCHA, Paulo, Mr., Member of Parliament.
GAMA, Benito, Mr., Federal Deputy.
ARANTES, Jovair, Mr., Federal deputy.

Employers' Delegate

D'ARAUJO MARTINS, Victor, Mr., Secretary-General, Confederação Nacional do Comercio (CNC); President, Federaçâo do Comercio Atacadista, Rio de Janeiro.

Advisers and substitute delegates

DONATO, Arthur João, Mr., Vice-President, Confederação Nacional da Industria (CNI).
RIBEIRO, Antonio Fabio, Mr., Vice-President, CNI.

Advisers

DE OLIVEIRA RODRIGUES, Renato, Mr., Director, Trade Union Department, CNC.
PERES DA SILVA, Alfredo, Mr., Executive Director, NTC, Associação Nacional das Empresas de Transporte Rodoviario de Cargas.
BASSINI, José Braulio, Mr., Vice-President, CNI; President, Federação das Industrias do Estado do Espirito Santo (FINDES).
ALVES DE AZEVEDO, Benivaldo, Mr., Coordinator, Technical Council of the Presidence, CNI.
RONDON LINHARES, Lucia Maria, Mrs., Chief, Legal Department, CNI.

Workers' Delegate

DE BARROS, Valdir Vicente, Mr., Secretary, International Relations, Confederação geral dos Trabalhadores (CGT).

Advisers and substitute delegates

BEZERRA LEITE, Genival, Mr., President, Sindicato dos Prestadores de Serviçio, São Paulo.
IBRAHIM, José, Mr., Secretary, International Relations, Central Força Sindical.
MIRANDA DE OLIVEIRA, José Olivio, Mr., Director, Sindicato dos Engenheiros, Bahia.

Advisers

CRIVELLI, Erickson, Mr., Legal Adviser, Central Unica dos Trabalhadores (CUT).
DA SILVA, Enir Severino, Mr., President, CGT.
SONOHARA, Hideo, Mr., Director, Communication, Sindicato dos Prestadores de Serviçio, São Paulo.
JAKOBSEN, Kjeld Aagaard, Mr., Secretary, Intenational Relations, CUT.

Bulgarie Bulgaria Bulgaria

Minister attending the Conference

NEYKOV, Ivan, Mr., Minister of Labour and Social Affairs.

Government Delegates

MIROSLAVOV, Emil, Mr., Deputy Minister of Labour and Social Affairs.
DRAGANOV, Petko, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

PANOV, Svetlozar, Mr., Senior expert, Ministry of Foreign Affairs.
KRASTEVA, Emilia, Mrs., Secretary, National Council for Tripartite Co-operation.

Advisers

PIPERKOV, Ivan, Mr., Counsellor, Permanent Mission, Geneva.
IGNATOV, Ilian, Mr., Head, International Relations Division, Ministry of Labour and Social Affairs.
TRENDAFILOV, Yordan, Mr., General Legal Adviser, Ministry of Labour and Social Affairs.

Employers' Delegate

PAVLOV, Vladimir, Mr., Secretary-General, Union for Private Economic Enterprise.

Adviser and substitute delegate

DETCHEV, Krassimir, Mr., Head, Human Resources Development and Social Dialogue Department, Union for Private Economic Enterprise.

Advisers

SIMEONOV, Tzvetan, Mr., Secretary-General of the Bulgarian Chamber of Commerce and Industry.
NIKOLOV, Ilian, Mr., Secretary-General of "Vazrazhdane" Union of Private Entrepreneurs.

Workers' Delegate

MANOLOV, Dimitar, Mr., Vice-President, "Podkrepa" Confederation of Labour.

Advisers and substitute delegates

DIMITROVA, Dimitrina, Mrs., Expert, Confederation of Independent Trade Unions.
IVANOVA, Aneta, Mrs., Vice-President, National Trade Union.

Advisers

IVANOVA, Mariana, Mrs., Legal Adviser, "Podkrepa" Confederation of Labour.

MITREVA, Rossitsa, Mrs., Legal Adviser-in-Chief, "Podkrepa" Confederation of Labour.

LALOV, Lubomir, Mr., Secretary-General, Community of Free Trade Unions.

ATANASSOVA, Mariana, Mrs., Expert, Community of Free Trade Unions.

VASSILEV, Blagoy, Mr., Vice-President, Head Office of Branch Trade Unions.

ENEV, Entcho, Mr., Vice-President, National Trade Union.

YOTCHEV, Evgueni, Mr., Secretary, "Eginstvo" Trade Union.

Burkina Faso

Délégués gouvernementaux

OUEDRAOGO, Karim François, M., Secrétaire général du Ministère de l'Emploi, du Travail et de la Sécurité sociale.

ZOUMBARE, Adama, M., Directeur général du Travail et de la Sécurité Sociale.

Conseillers techniques et délégués suppléants

KABORE, Joseph Martin, M., Directeur général de l'Emploi et de la Formation professionnelle.

BADINI, Boureima, M., Directeur général de la Caisse nationale de Sécurité sociale.

Conseiller technique

SAWADOGO, Kouka Célestin, M., Chef de Service des Normes et Relations internationales du Travail.

Délégué des employeurs

ILBOUDO, Bruno, M., Président, Conseil national du Patronat burkinabè (CNPB).

Conseiller technique et délégué suppléant

KABORE, Béléke Pierre, M., Secrétaire éxécutif, CNPB.

Délégué des travailleurs

CISSE, Mamounata, Mme, Secrétaire générale, Organisation nationale des Syndicats libres (ONSL).

Conseillers techniques et délégués suppléants

KABORE, Nazinigouba, M., Secrétaire général, Confédération syndicale burkinabè (CSB).

COMPAORE, Zacharie, M., Secrétaire général adjoint, Union générale des Travailleurs du burkina (UGTB).

ZONGO, Kouka Laurent Justin, M., Secrétaire à la Jeunesse, Union nationale des Syndicats libres/Force Ouvrière (UNSL/FO).

Burundi

Ministre assistant à la Conférence

MUTERAGIRANWA, Barnabé, M., Ministre du Travail, de l'Artisanat et de la Formation professionelle.

Délégués gouvernementaux

NZEYIMANA, Pierre-Claver, M., Conseiller technique, Cabinet du Ministre du Travail, de l'Artisanat et de la Formation professionelle.

KABUSHEMEYE-NTAMWANA, Epiphanie, Mme, Chargé d'Affaires a.i.

Délégué des employeurs

KIRAHUZI, Aloys, M., Président de l'Association des employeurs (AEB).

Délégué des travailleurs

NDABIRABE, Charles, M., Président de la Confédération des Syndicats (COSYBU).

Cambodge Cambodia Camboya

Ministre assistant à la Conférence

SUY, Sem, M., Secrétaire d'Etat aux Affaires sociales, au Travail et aux Anciens combattants.

Délégués gouvernementaux

THACH, Sem, M., Directeur, Département de la Sécurité sociale, Ministère des Affaire sociales, du Travail et des Anciens combattants.

KEO, Borentr, M., Directeur adjoint, Département de l'Inspection du Travail, Ministère des Affaires sociales, du Travail et des Anciens combattants.

Délégué des employeurs

VAN, Sou Ieng, M., Chairman, Garment Manufacturers Association.

Délégué des travailleurs

CHROENG, David, M., Président, Syndicat Ekareach Kamakar Kampuchea (ouvriers indépendants du

Cambodge), Gennon (Cambodia) Garment Manufacturing Ltd.

Cameroun Cameroon Camerún

Ministre assistant à la Conférence

MBILA, Simon, M., Ministre du Travail.

Délégués gouvernementaux

NGOUBEYOU, François-Xavier, M., Ambassadeur, Représentant permanent, Mission Permanente à Genève.

MINKA, Théodore, M., Directeur du Travail.

Conseillers techniques et délégués suppléants

MELONE, Loe, M., Sous-Directeur de la Formation professionelle.

BELL, Mathias, M., Sous-Directeur de la Réglementation du Travail.

Délégué des employeurs

SANZOUANGO, Francis, M., Secrétaire général, Groupement interpatronal (CIGAM).

Conseiller technique et délégué suppléant

SIAKA, André, M., Président, GIGAM.

Délégué des travailleurs

SOMBES, Louis, M., Secrétaire général, Confédération syndicale des Travailleurs (CSTC).

Conseiller technique et délégué suppléant

MOUSSENI, André Jules, M., Secrétaire général, Union des Syndicats libres (USLC).

Conseillers techniques

BAKOT-NDJOCK, Emmanuel, M.
MBAPE NDOUMBE, Jacques, M.
MAKEMBE, Eugène, M.
KAMDEM, Innocent, M.

Canada

Minister attending the Conference
Ministre assistant à la Conférence

GAGLIANO, Alfonso, Mr., Minister of Labour.

Person accompanying the Minister
Personne accompagnant le Ministre

TREMBLAY, Pierre, Mr., Adjoint exécutif du Ministre du Travail.

Government Delegates
Délégués gouvernementaux

POISSON, Yves, Mr., Directeur général, Politique stratégique et partenariats, Travail, Ministère du Développement des Ressources humaines; Représentant gouvernemental, Conseil d'administration du BIT.

PERLIN, Jean, Ms., Counsellor, Permanent Mission, Geneva.

Advisers and substitute delegates
Conseillers techniques et délégués suppléants

MOHER, Mark, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

KUIJPER, Tineke, Ms., Acting Director, International Affairs, Strategic Policy and Partnerships, Labour Branch, Human Resources Development.

Advisers
Conseillers techniques

BEAUPRÉ BÉRARD, Huguette, Mrs., Agent des Affaires internationales, Politique stratégique et partenariats, Travail, Développement des Ressources humaines.

BRAULT, Serge, Mr., Conseiller juridique.

BRYANT, Chris, Mr., Executive Director, Community Economic Development, Economic Development and Tourism, Government of Nova Scotia.

HANSON, Cheryl, Ms., Assistant Deputy Minister, Saskatchewan Labour, Government of Saskatchewan.

MCALISTER, Andrew, Mr., Minister, Deputy Permanent Representative, Permanent Mission, Geneva.

NADEAU, Gaston, Mr., Juriste, Direction des Etudes et politiques, Ministère du Travail, Gouvernement du Québec.

VANIER, Robert, Mr., Deputy Director, Specialized Agencies and UN Economic Issues, United Nations and Commonwealth Affairs Division, Department of Foreign Affairs and International Trade.

Representative of a State or Province
Représentant d'un Etat ou province

DESLAURIERS, Christian, Mr., Conseiller, Direction des organisations internationales, Ministère des Relations internationales, Gouvernement du Québec.

Other persons attending the Conference
Autres personnes assistant à la Conférence

BRONSON, Diana, Ms., Director of Communications, International Centre for Human Rights and Democratic Development.

LANGILLE, Brian, Mr., Professor, Faculty of Law, University of Toronto.

VOSKO, Leah, Ms.

Employers' Delegate
Délégué des employeurs

LAWSON, Jim, Mr., President, Canadian Employers Council (CEC).

Adviser and substitute delegate
Conseiller technique et délégué suppléant

ALBORINO, Santo, Mr., Senior Manager, Employee/Industrial Relations, Human Resources Division, Bank of Montreal.

Advisers
Conseillers techniques

FINLAY, Andrew, Mr., Senior Counsel, General Counsel's Department, Employment Law Group, Scotiabank.
GOLDIE, Tom, Mr., Director, Human Resources, Corporate Business Development, Ontario Hydro.
MCNICOLL, Madeleine, Mrs., Director, Human Resources, Canadian Pulp and Paper Association.
TURNER, Ted, Mr., President, Hunt Personnel.
WHYTE, Garth, Mr., Vice President, National Affairs and Research, Canadian Federation of Independent Business.

Workers' Delegate
Délégué des travailleurs

PARROT, Jean-Claude, Mr., Vice-président exécutif, Congrès du Travail du Canada (CTC).

Adviser and substitute delegate
Conseiller technique et délégué suppléant

MALLON, Brian, Mr., International Affairs, Canadian Labour Congress (CLC).

Advisers
Conseillers techniques

BENEDICT, Steve, Mr., Director, International Affairs, CLC.
DUFFETT, Jeannie, Ms., National Vice President, Canadian Employment and Immigration Union (PSAC).
HALLÉ, Ghyslain, Mr., Conseiller syndical, Confédération des syndicats nationaux (CSN).
HART-KULBABA, Susan, Ms., Labour Liaison, Crocus Investment Fund, Manitoba Federation of Labour.
MASSÉ, Henri, Mr., Secrétaire général, Fédération des travailleurs et travailleuses du Québec (FTQ/CTC).
WHITE, Robert, Mr., President, CLC.

Cap-Vert Cape Verde
Cabo Verde

Ministre assistant à la Conférence

MENDES DOS REIS, José Antonio, M., Ministre du Travail, de la Jeunesse et de la Promotion sociale.

Délégués gouvernementaux

GONÇALVES, Carlos Gregorio Lopes Pereira, M., Directeur général du Travail.
SERRA, João Antonio Coelho Pinto, M., Directeur général IEFP, Institut d'Emploi et Formation professionnelle.

Délégué des employeurs

FERNANDES, Alfredo Eugenio Barbosa, M., Vice-président, Association commerciale et agricole de Sotavento.

Délégué des travailleurs

VAZ, José Manuel, M., Secrétaire général, Confédération capverdienne des syndicats libres.

République centrafricaine
Central African Republic
República Centroafricana

Ministre assistant à la Conférence

GOMINA-PAMPALI, Laurent, M., Ministre de la Fonction publique, du Travail et de la Formation professionnelle par intérim.

Délégué gouvernemental

SELENGUE, Nicolas, M., Chargé de Mission en matière de Travail.

Conseillers techniques et délégués suppléants

MALENZAPA, Abel, M., Directeur général, OCSS
NGOUAGOUNI, Marie-Bernard, M., Inspecteur central, OCSS.

Délégué des employeurs

YOMBO, Rigobert, M., Président, Union nationale du Patronat centrafricain.

Délégué des travailleurs

SONNY COLE, Théophile, M., Secrètaire général, Union syndicale des Travailleurs.

Chili Chile Chile

Ministro asistente a la Conferencia

ARRATE MAC NIVEN, Jorge, Sr., Ministro del Trabajo y Previsión Social.

Delegados gubernamentales

BERGUÑO BARNES, Jorge, Sr., Embajador Representante Permanente, Misión Permanente en Ginebra.

MEJIA VIEDMAN, Sergio, Sr., Subdirector del Trabajo.

Consejeros técnicos y delegados suplentes

ILABACA ORPHANOPOULOS, José Luis, Sr., Consejero, Dirección de Política Multilateral, Ministerio de Relationes Exteriores.

ARAVENA ASTUDILLO, Duhamel, Sr., Abogado, Oficina de Relaciones Laborales Internacionales del Ministerio del Trabajo y Previsión Social.

MIRANDA ROJAS, Guillermo, Sr., Jefe de Gabinete, Ministro del Trabajo y Previsión Social.

Consejeros técnicos

CAPDEVILA, José Miguel, Sr., Segundo Secretario, Misión Permanente en Ginebra.

RIVAS GOMEZ, Francisco, Sr., Agregado Laboral, Misión Permanente en Ginebra.

LOYOLA OSORIO, Eduardo, Sr., Vicepresidente de Recursos Humanos de la Corporación Nacional del Cobre (CODELCO).

MAQUIEIRA ASTABURUAGA, Cristián, Sr., Embajador, Director General, Política Multilateral, Ministerio de Relaciones Exteriores.

LILLO BENAVIDES, Luis, Sr., Representante Permanente Adjunto, Misión Permanente en Ginebra.

OSSA DIETISCH, Samuel, Sr., Segundo Secretario, Ministerio de Relaciones Exteriores.

Otra persona que asiste a la Conferencia

HORMAZABAL SANCHEZ, Ricardo, Sr., Senador, Miembro de la Comisión de Trabajo y Seguridad Social.

Delegado de los empleadores

LIZANA GREVE, Pedro, Sr., Confederación de la Producción y del Comercio.

Consejeros técnicos y delegados suplentes

ARTHUR ERRAZURIZ, Guillermo, Sr., Abogado, Confederación de la Producción y del Comercio.

BRUNA VARGAS, Augusto, Sr., Abogado, Confederación de la Producción y del Comercio.

BERG MONASTERIO, Huberto, Sr., Abogado, Confederación de la Producción y del Comercio.

Consejeros técnicos

FANTUZZI HERNANDEZ, Roberto, Sr., Empresario, Asociación de Exportadores de Productos Manufacturados no Tradicionales (ASEXMA).

ARRATIA ALVARADO, Jaime, Sr., Ingeniero de Ejecución Mecánica, Confederación Gremial Nacional Unida de la Mediana y Pequeña Industria, Servicios, y Artesanado.

HORTA PONCE, Eduardo, Sr., Empresario, Confederación Gremial Nacional Unida de la Mediana y Pequeña Industria, Servicios y Artesanado.

Delegado de los trabajadores

ALARCON GOMEZ, Luis Roberto, Sr., Federación Nacional de Trabajadores de la Salud (FENATS) y la Central Unitaria de Trabajadores (CUT).

Consejeros técnicos y delegados suplentes

BUNNEY TUNACCA, Luis, Sr., Colegio de Profesores y CUT.

JIMENEZ TORRES, Manuel, Sr., Confederación Nacional de Trabajadores del Cuero y el Calzado (FONACC) y CUT.

MILLAN BAEZA, Jorge, Sr., CUT.

Consejeros técnicos

ASTORGA OLATE, Patricio, Sr., Federación de Sindicatos Campesinos.

VASQUEZ ORDENES, Carlos, Sr., Colegio de Profesores y CUT.

BUSTOS HUERTA, Manuel, Sr., Confederación Nacional de Trabajadores Textiles y de la Confección (CONTEVECIL) y CUT.

RAMIREZ CAUTIVO, Pamela, Sra., Agrupación Nacional de Empleados Fiscales.

MALDONADO OLIVARES, Ricardo, Sr., Confederación de Trabajadores del Transporte (CONUTT) y CUT.

MARTINEZ MOLINA, Arturo, Sr., Confederación Nacional de Trabajadores Gráficos (CONAGRA) y CUT.

ROZAS VELASQUEZ, María, Sra., Colegio de Profesores y CUT.

Persona designada de conformidad con el artículo 2, párrafo 3.i)

ESPINOZA CONCHA, Raimundo, Sr., CUT.

Chine China China

Minister attending the Conference

LI, Boyong, Mr., Minister of Labour.

Persons accompanying the Minister

LIU, Yirong, Mrs., Deputy Director, Department of International Cooperation (DIC), Ministry of Labour.

ZHU, Yukun, Mr., Division Chief, DIC, Ministry of Labour.

CAO, Yuanfeng, Mr., Division Chief, General Office, Ministry of Labour.

PI, Zezheng, Mr., Official, DIC, Ministry of Labour.

Government Delegates

LI, Qiyan, Mr., Vice-Minister of Labour.

WU, Jianmin, Mr., Ambassador, Permanent Mission, Geneva.

Advisers and substitute delegates

ZHANG, Wei, Mr., Councillor of Labour, Permanent Mission, Geneva.

LIN, Maizhu, Mr., Deputy Director, Department of International Cooperation, Ministry of Labour.

Advisers

XIANYING, Meng, Mrs., Counsellor, Ministry of Foreign Affairs.

HEQUAN, Chen, Mr., Inspector, Ministry of Finance.

LIU, Xu, Mr., Division Chief, Department of International Cooperation, Ministry of Labour.

WANG, Aiwen, Mr., Division Chief, Department of Employment, Ministry of Labour.

ZHANG, Gengchen, Mr., Office Chief, Research Institute for International Labour Studies, Ministry of Labour.

ZHAO, Yujin, Mr., Division Chief, General Office, Ministry of Labour.

GUAN, Jinghe, Mrs., Deputy Division Chief, Department of International Cooperation, Ministry of Labour.

ZHANG, Feng, Mr., Researcher, Department of International Cooperation, Ministry of Labour.

HUA, Yingfang, Mr., Deputy Division Chief, Department of Labour Relations, Ministry of Labour.

LI, Mingfu, Mr., Third Secretary, Permanent Mission, Geneva.

LAO, Yujun, Mr., Official, Department of International Cooperation, Ministry of Labour.

NING, He, Mr., Counsellor, Permanent Mission, Geneva.

YAJUN, Wang, Mrs., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

PAN, Chenglie, Mr., Deputy Director-General, China Enterprise Directors Association (CEDA).

Adviser and substitute delegate

CHEN, Ying, Mrs., Deputy Director-General, CEDA.

Advisers

SUN, Shuhua, Mr., Deputy General-Secretary, China Construction Industry Directors Association.

ZHANG, Wentao, Mrs., Assistant Researcher, CEDA.

Workers' Delegate

LI, Qisheng, Mr., Vice Chairman, All China Federation of Trade Unions (ACFTU).

Adviser and substitute delegate

XIA, Xiaomei, Mrs., Director, International Liaison Department, ACFTU.

Advisers

LI, Hanquan, Mr., Deputy Director, International Liaison Department, ACFTU.

JIANG, Lieqing, Mr., Deputy Director, International Liaison Department, ACFTU.

WANG, Liming, Mr., Division Chief, International Liaison Department, ACFTU.

LIU, Jiyong, Mr., Division Chief, International Liaison Department, ACFTU.

LI, Jingfang, Ms.

Chypre Cyprus Chipre

Minister attending the Conference

MOUSHOUTTAS, Andreas, Mr., Minister of Labour and Social Insurance.

Government Delegates

SYMEONIDES, Nicos, Mr., Permanent Secretary, Ministry of Labour and Social Insurance.

ZACKHEOS, Sotirios, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Adviser and substitute delegate

SAMUEL, Lenia, Mrs., Principal Administrative Officer, Ministry of Labour and Social Insurance.

Advisers

PELEKANOS, Dimitrios, Mr., Director, Social Insurance Department, Ministry of Labour and Social Insurance.

SOTERIOU, Soterios, Mr., Director, Department of Labour, Ministry of Labour and Social Insurance.

MARKIDES, Loria, Mrs., Counsellor A, Permanent Mission, Geneva.

NEOCLEOUS, Nelson, Mr., Industrial Relations Officer A, Industrial Relations Service, Ministry of Labour and Social Insurance.

Employers' Delegate

PIERIDES, Antonis, Mr., Director General, Cyprus Employers and Industrialists Federation; Member, Governing Body, ILO.

Adviser and substitute delegate

PILICOS, Michael, Mr., Head, Industrial Relations and Labour Legislation Department, Cyprus Employers and Industrialists Federation.

Advisers

ROLOGIS, Vassilis, Mr., President, Cyprus Chamber of Commerce and Industry.
LOIZIDES, Panayiotis, Mr., General Secretary, Cyprus Chamber of Commerce and Industry.
PETROU, Petros, Mr., Industrial Relations Officer, Cyprus Employers and Industrialists Federation.
APOSTOLOU, Andreas, Mr., Industrial Relations Officer, Cyprus Employers and Industrialists Federation.
KYTHREOTIS, Christos, Mr., Secretary-Director, Cyprus Bankers Employers' Association.
MICHAEL, Emilios, Mr., Senior Industrial Relations Officer, Cyprus Chamber of Commerce and Industry.

Workers' Delegate

ANTONIOU, Avraam, Mr., General Secretary, Pancyprian Federation of Labour (PEO).

Adviser and substitute delegate

CHRISTOFI, Yiannakis, Mr., General Secretary, Cyprus Hotels and Catering Establishments Employees Trade Union, PEO.

Advisers

IOANNOU, Michalakis, Mr., General Secretary, Cyprus Workers Confederation (SEK); Member, Governing Body, ILO.
KITTENIS, Dimitris, Mr., Deputy General Secretary, SEK.
DIOMEDOUS, Diomedes, Mr., General Secretary, Democratic Labour Federation of Cyprus (DEOK).
PRENTZAS, Renos, Mr., Counsellor, International Relations, DEOK.

Colombie Colombia Colombia

Delegados gubernamentales

MORENO ROJAS, Ivan, Sr., Ministro de Trabajo y Seguridad Social.
CASTRO GUERRERO, Gustavo, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

ARIAS CASTAÑO, María Francisca, Sra., Ministra Consejera, Misión Permanente en Ginebra.
ESCOBAR ENRIQUEZ, Francisco, Sr., Presidente, Sala de Casación Laboral de la Corte Suprema de Justicia.
DIAZ BUENO, Javier, Sr., Presidente, Sección Segunda del Consejo de Estado.
MARTINEZ CABALLERO, Alejandro, Sr., Magistrado, Corte Constitucional.
GAVIRIA DIAZ, Carlos, Sr., Magistrado, Corte Constitucional.
MORON DIAZ, Fabio, Sr., Magistrado, Corte Constitucional.
ARENAS PORRAS, Angela Piedad, Sra., Subdirectora, Departamento Administrativo de la Función Pública.
SAENZ VARGAS, Carlos Roberto, Sr., Segundo Secretario, Misión Permanente en Ginebra.

Consejeros técnicos

RITORE, Oscar, Sr., Asesor del Ministro de Trabajo y Seguridad Social para Imagen y Comunicaciones.
MOLINA POSADA, Alex Esteban, Sr., Director Técnico, Riesgos Profesionales del Ministerio de Trabajo y Seguridad Social.
MESA CARDENAS, Jose Gabriel, Sr., Jefe Oficina, Asuntos Internacionales del Ministerio de Trabajo y Seguridad Social.
MANTILLA RODRIGUEZ, Nelson, Sr., Personero Municipal de Bucaramanga.
RUIZ BLANCO, Miguel Camilo, Sr., Misión Permanente en Ginebra

Otras personas que asisten a la Conferencia

PEREZ SANTOS, Roberto, Sr.
PAVA CAMELO, Humberto, Sr., Senador.
MONTES, William Alfonso, Sr.
ENRIQUEZ, Manuel, Sr., Senador.
HENAO, Barlahán de Jesús, Sr.
CHAMORRO CRUZ, Jimmy, Sr., Senador.
DECHNER BORRERO, Héctor, Sr.
JIMENEZ, Pedro, Sr., Senador.
HUERTAS COMBARIZA, Germán, Sr.
ZULUAGA RUIZ, Mauricio, Sr., Senador.
LOZANO, Jorge Tadeo, Sr.
FLOREZ, Omar, Sr.
MARQUEZ, José Vicente, Sr., Secretario General, Comisión Séptima de la Cámara de Representantes.

Delegado de los empleadores

VILLEGAS ECHEVERRI, Luis Carlos, Sr., Presidente, Asociación Nacional de Industriales ANDI

Consejero técnico y delegado suplente

ECHAVARRIA SALDARRIAGA, Alberto, Sr., Vicepresidente, Asuntos Jurídicos y Sociales; Asociación Nacional de Industriales (ANDI).

Consejeros técnicos

LOPEZ GUERRA, Guillermo, Sr., Miembro, Comité de Laboralistas, ANDI.
PACHECO RESTREPO, Marta, Sra., Asesora Laboral, Organización Ardila Lulle.

ZAPATA GALLEGO, Oscar, Sr., Director Nacional de Relaciones Colestivas, GASEOSAS POSADA TOBON S.A.
FAJARDO LIEVANO, Ernesto, Sr., Gerente de Recursos Humanos, Esso Colombiano Limited; Presidente, Junta Directiva, Asociación Colombiana de Relaciones Industriales y de Personal (ACRIP).
PEREZ GARCIA, Miguel, Sr., Director Ejecutivo, Asociación Colombiana de Empresas de Servicios Temporales; Convenio ACOSET-ANDI.
MONSALVE CUELLAR, Martha, Sra., Miembro, ACOSET, Convenio ACOSET-ANDI.
ERASO BELALCAZAR, Fanny Cecilia, Sra., Miembro del Comité Juridico de ACOSET.
ARAGÓN FLÓREZ, Victoria, Sra., Asistente de la Presidencia, ACOSET.
GOMEZ MARTINEZ, Miguel, Sr., Presidente Ejecutivo,, Asociación Colombiana de Exportadores de Flores.

Persona designada de conformidad con el artículo 2, párrafo 3.i)

TAMAYO MONTOYA, Marco Aurelio, Sr., Director, Relaciones Industriales de Avianca.

Delegado de los trabajadores

GARZON, Luis Eduardo, Sr., Presidente, Central Unitaria de Trabajodores (CUT).

Consejeros técnicos y delegados suplentes

VALDERRAMA, Mario de J., Sr., Presidente, Confederación General de Trabajadores Democráticos (CGTD).
ALVIS FERNANDEZ, Apecides, Sr., Presidente, Confederación de Trabajadores (CTC).
FAJARDO ABRIL, Hector, Sr., Secretario General, CUT.
GOMEZ ESGUERRA, Julio Roberto, Sr., Secretario General, CGTD.

Consejeros técnicos

SERRANO, Leovigildo, Sr., Presidente, Asociación nacional de Empleados del Banco de la República Anebre CTC.
MEDINA DUEÑAS, Luis Ernesto, Sr., Presidente, Federación de Trabajadores del Centro y Oriente Colombiano (FETRABOC).
MORANTES ALFONSO, Luis Miguel, Sr., Secretario General, CTC.
VALERO, Jorge Humberto, Sr., Comando Nacional Unitario.
GÓMEZ ZULUAGA, Alberto León, Sr.
MADARIAGO, Everth, Sr.

Congo

Ministres assistant à la Conférence

NZOUNGOU, Alphonse, M., Ministre, Secrètaire général du Gouvernement.
OBENGA, Théophile, M., Ministre du Travail, de la Fonction publique et de la Sécurité sociale.

Personnes accompagnant le Ministre

ITOUA, André, M.
AKA MBOA, Basile, M.

Délégués gouvernementaux

NZIKOU, Jean, M.
OGNAMI, Eugène, M.

Conseillers techniques et délégués suppléants

KONONGO-ONGUEME, Calixte, M.
LOUDI, Sylvain, M.
NZABA, Anatole, M.
DOUMA-BOUKOU, Jean Paul, M.
MIAKAKARILA, Evariste, M.
MBOUNZI, Marie, Mme
MBONO, Jean Michel, M.

Conseiller technique

KIBANGADI, Jean, M.

Délégué des employeurs

KINOUANI, Gabriel, M.

Conseiller technique et délégué suppléant

GALESSAMI-IBOMBO, Jean, M.

Délégué des travailleurs

OSSOMBI, Michel, M.

Conseiller technique et délégué suppléant

KENGOUYA, Paul Hervé, M.

République de Corée
Republic of Korea
República de Corea

Minister attending the Conference

JIN, Nyum, Mr., Minister of Labour.

Person accompanying the Minister

KIM, Min Suk, Mr., Secretary to the Minister of Labour.

Government Delegates

SUN, Joun Yung, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
PARK, Chung Kyu, Mr., Director-General for International Labour Cooperation, Ministry of Labour (MOL).

Advisers and substitute delegates

KIM, Youn Chul, Mr., Counsellor, Permanent Mission, Geneva.
KONG, Deok Soo, Mr., Director, International Labour Policy Division, MOL.
CHO, Tae Yul, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

UH, Soo Bong, Mr., Research Fellow, Labour Institute, MOL.
MOON, Ki Seop, Mr., Deputy Director, International Labour Policy Division, MOL.
KWON, Yong Woo, Mr., Deputy Director, Human Rights and Social Affairs Division, Ministry of Foreign Affairs.
LEE, Hun Soo, Mr., Deputy Director, International Labour Policy Division, MOL.
KIM, Dae Hwan, Mr., Third Secretary, Permanent Mission, Geneva.
YANG, Jeong Yeol, Mr., Deputy Director, Employment Policy Office, MOL.
LEE, Sang Bok, Mr., Deputy Director, Employment Policy Office, MOL.
LEE, Myung Rho, Mr., Deputy Director, Labour Standards Division, MOL.
YI, Shin Jae, Mr.

Employers' Delegate

CHO, Nam Hong, Mr., Vice Chairman & CEO, Korea Employers' Federation (KEF).

Adviser and substitute delegate

KIM, Young Vae, Mr., Managing Director, KEF.

Advisers

YANG, Byong Moo, Mr., Senior Research Fellow, Labour Economics Institute, KEF.
LEE, Dong Eung, Mr., Director, International Affairs Department, KEF.
LEE, Seung Gil, Mr., Manager, Legal Affairs Divsion, KEF.
LEE, Sun Il, Mr., Assistant Manager, International Affairs Department, KEF.
PARK, Sung Joon, Mr., Research Fellow, Labour Economics Institute, KEF.

Workers' Delegate

PARK, In Sang, Mr., President, Federation of Korean Trade Unions (FKTU).

Adviser and substitute delegate

KIM, Sung Jin, Mr., Director, International Department, FKTU.

Advisers

WON, Chung Yun, Mr., Deputy General Secretary for Policy Office, FKTU.
HYUN, Ki Hwan, Mr., Director of Politics Department, FKTU.
KIM, Sang Ho, Mr., Research Associate, Research Center, FKTU.
KWON, Hye Ja, Ms., Research Associate, Research Center, FKTU.
CHUNG, Kil Oh, Mr., Senior Fellow, Policy Department, FKTU.

Costa Rica

Ministro asistente a la Conferencia

AYALES ESNA, Farid Ayales, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

DENGO, Manuel B., Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.
ALVAREZ, Joaquín, Sr., Ministro Consejero, Misión Permanente en Ginebra.

Consejero técnico y delegado suplente

THOMPSON, Lauro, Sra., Consejero, Misión Permanente en Ginebra.

Consejero técnico

CASTRO CASCANTE, María Esther, Sra., Ministerio de Trabajo y Seguridad Social.

Delegado de los empleadores

GONZÁLEZ VARGAS, Ricardo, Sr., Unión Costarricense de Cámaras y Asociaciones de la Empresa Privada.

Delegado de los trabajadores

BROWN YOUNG, Gilberth Brown, Sr., Confederación de Trabajadores, Rerum Novarum.

Consejero técnico

MONTERO VEGA, Alvaro, Sr.

Côte d'Ivoire

Ministre assistant à la Conférence

ATSAIN ACHI, M., Ministre de l'Emploi, de la Fonction publique et de la Prévoyance sociale.

Délégués gouvernementaux

BOA KAMON, M., Ambassadeur, Mission permanente à Genève.

N'DRI, Konan Lazare, M., Directeur de l'Emploi et de la Réglementation du Travail.

Conseillers techniques et délégués suppléants

N'DIAYE, Diarra, Mme, Chargée d'études au Ministère de l'Emploi, de la Fonction publique et de la Prévoyance sociale.

KETE, Gisèle, Mlle, Mission permanente à Genève.

Conseillers techniques

FREBO GUEBI, Jérôme, M., Conseiller, Mission permanente à Genève.

ABRE, Natcho Martin, M., Chargé de mission du Ministre de l'Emploi, de la Fonction publique et de la Prévoyance sociale.

KOUASSI, Hyacinthe Marcel, M., Conseiller, Mission permanente à Genève.

Délégué des employeurs

AKA ANGHUI, Joseph, M., Président honoraire du Conseil national du Patronat ivoirien (CNPI); Membre Employeur du Conseil d'Administration du BIT.

Conseillers techniques et délégués suppléants

TRAORE, Soungalo, M., Secrétaire général, C.N.P.I.

MONDON, Pacôme, M., Président, Commission condition de travail et Prévoyance Sociale, C.N.P.I.

Conseiller technique

N'DOUMI, Bernard, M., Commission Réglementation du Travail, C.N.P.I.

Délégué des travailleurs

ADIKO, Niamkey Yacinthe, M., Secrétaire général, Union générale des Travailleurs (UGTCI).

Conseillers techniques et délégués suppléants

ETE, Marcel, M., Secrétaire général, Fédération de Syndicats autonomes de Côte d'Ivoire (FESACI).

TRAORE, Siriki, M., Secrétaire général adjoint, U.G.T.C.I.

Conseillers techniques

MAHAN, Gahé Basile, M., Secrétaire général, Confédération des Syndicats libres (DIGNITE).

EBAGNERIN, Joseph, M., Comité directeur, U.G.T.C.I.

Croatie Croatia Croacia

Government Delegates

BABIC, Vera, Mrs., First Deputy Minister, Ministry of Labour and Social Welfare.

BEKIC, Darko, Mr., Ambassador, Permanent Mission, Geneva.

Advisers and substitute delegates

MUSULIN, Marina, Mrs., Head, Department for Relations with International Organizations, Ministry of Labour and Social Welfare.

UJEVIC, Zrinka, Ms., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

IVANCEVIC, Zeljko, Mr., General Manager, Croatian Association of Employers.

Workers' Delegate

KNEZEVIC, Ana, Ms., President, Croatian Trade Union of Commerce.

Cuba

Ministro asistente a la Conferencia

VALDES MESA, Salvador, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

AMAT FORES, Carlos, Sr., Ambajador, Representante Permanente, Misión Permanente en Ginebra.

TRAVIESO DAMAS, Francisco, Sr., Director Jurídico y de Relaciones Internacionales, Ministerio de Trabajo y Seguridad Social.

Consejeros técnicos y delegados suplentes

HERNANDEZ OLIVA, Gretel, Sra., Especialista Principal, Relaciones Internacionales, Ministerio de Trabajo y Seguridad Social.

DELGADO GONZALEZ, Adrián, Sr., Primer Secretario, Misión Permanente en Ginebra.

Consejeros técnicos

MONTESINO, Tania, Sra., Funcionaria, Dirección Asuntos Multilaterales.
HERNÁNDEZ, Aymée, Srta.

Delegado de los empleadores

GONZALEZ RODRÍGUEZ, Lázaro, Sr., Presidente, Grupo de Empleadores.

Delegado de los trabajadores

BERNAL CAMERO, Joaquín, Sr., Secretario de Relaciones Internacionales, Central de Trabajadores.

Consejero técnico y delegado suplente

LOPEZ MUÑOZ, Oscar, Sr., Jefe, Departamento de Relaciones Internacionales, Central de Trabajadores.

Danemark Denmark
Dinamarca

Minister attending the Conference

ANDERSEN, Jytte, Ms., Minister of Labour.

Persons accompanying the Minister

OLESEN, Henning, Mr., Permanent Under-Secretary of State.
HERMANSEN, Anne Dorthe, Ms., Private Secretary to the Minister of Labour.

Government Delegates

ADLER, Lone, Ms., Special Adviser to the Danish Minister of Labour on International Affairs.
HESS, Soren, Mr., Head of Section, Ministry of Labour.

Adviser and substitute delegate

BRUUN, Hans Henrik, Mr., Ambassador, Permanent Mission, Geneva.

Advisers

HOLM, Povl, Mr., Legal Adviser to the Danish Minister of Labour on International Affairs.
HENRIKSEN, Lone, Ms., Head of Section, Ministry of Labour.
PETERSEN, Lykke, Ms., Head of Section, Ministry of Labour.
ROOSEN, Vibeke, Ms., Embassy Secretary, Permanent Mission, Geneva.

Other persons attending the Conference

PESCHARDT, Vibeke, Ms., Member, Danish Parliament.
BENDTZEN, Bendt, Mr., Member, Danish Parliament.

Employers' Delegate

RONNEST, Jorgen, Mr., Director, Danish Employers' Confederation.

Adviser and substitute delegate

SKANTING, Lise, Ms., Consultant, Danish Employers' Confederation.

Advisers

FOG, Niels, Mr., President, Danish Employers' Confederation.
AAGAARD, Niels, Mr., Consultant, Danish Employers' Confederation.
BANG, Jens Holmboe, Mr., Consultant, Danish Employers' Confederation.

Workers' Delegate

WISTISEN, Ib, Mr., International Relations Secretary, Danish Federation of Trade Unions.

Adviser and substitute delegate

FOLDBERG, Preben, Mr., International Adviser, Danish Federation of Trade Unions.

Advisers

CHRISTOFFERSEN, Anker, Mr., President, Federation of Danish Public Servants and Salaried Employees' Organizations.
LORENTZEN, Ane, Ms., Legal Adviser, Danish Confederation of Trade Unions.
BENDIXEN, Annette, Ms., International Secretary, Federation of the Danish Public Servants and Salaried Employees' Organizations.
VANG RASMUSSEN, Soren, Mr., President, The Danish Confederation of Professional Associations.
NIELSEN, Carsten, Mr., "Head of Section, The Danish Confederation of Professional Associations.
BALLE, Erik, Mr., Secretary, Union Commercial and Clerical Employees.
JENSEN, Hans, Mr., President, Danish Confederation of Trade Unions.

Djibouti

Délégués gouvernementaux

DAACH, Osman Robleh, M., Ministre du Travail et de la Formation professionnelle.
ACHKIR, Abdi Ilmi, M., Directeur du Travail.

Délégué des employeurs

MOUSSA, Said Omar, M., Union syndicale interprofessionnelle des Entreprises (USIE).

Conseillers techniques et délégués suppléants

EUSMAN, Youssouf Mohamed, M., USIE.
FARAH, Abdi, M., USIE.
DELARUE, Jean-Philippe, M., USIE.

Délégué des travailleurs

BOULALE, Mahamoud Ali, M., Congrès djiboutien du Travail (CODJITRA).

République dominicaine
Dominican Republic
República Dominicana

Ministro asistente a la Conferencia

ALBURQUERQUE, Rafael, Sr., Secretario de Estado de Trabajo.

Delegados gubernamentales

BONETTI, Angelina, Sra., Ambajadora, Misión Permanente en Ginebra.
REYES UREÑA, Nelson, Sr., Director de Asuntos Internacionales de la Secretaría de Estado de Trabajo.

Consejeros técnicos y delegados suplentes

ZAPATA, José Francisco, Sr.
ACOSTA, Pablo, Sr.

Delegado de los empleadores

SADHALA D., Henry, Sr., Presidente de la Confederación Patronal.

Consejeros técnicos y delegados suplentes

MARRANZINI PEREZ, Celso, Sr.
DAUHAJRE, Andrés, Sr.

Consejeros técnicos

CASTILLO, Francisco José, Sr.
ALEMANY, Nassim Jaime, Sr.
ARMENTEROS, José Manuel, Sr.
HERRERA ROA, Fabio, Sr.
CUEVAS, Héctor, Sr.
GARRIDO, Pedro, Sr.
FERNANDEZ, María Teresa, Sra.
PEREZ MONTAS, Hernando, Sr.

Delegado de los trabajadores

NEGRON TEJADA, Mariano, Sr., Secretario General de la Confederación Nacional de Trabajadores Dominicanos (CNTD).

Consejeros técnicos

DEL RIO, Gabriel, Sr.
FAMILIA, Eulogia, Sr.
ABREU, Rafael, Sr.
VASQUEZ, Mario, Sr.
HERRERA, Leopoldo, Sr.
CASTILLO, Rafael, Sr.

Egypte Egypt Egipto

Minister attending the Conference

EL AMAWY, Ahmed Ahmed, Mr., Minister of Manpower and Immigation.

Government Delegates

ZAHRAN, Mounir, Mr., Ambassador, Permanent Representative, Permanant Mission, Geneva.
EL-ASSAR, Abd El-Kader, Mr., Counsellor for International Relations, Ministry of Manpower and Immigration.

Advisers and substitute delegates

SHAHIN, Magda, Mrs., Minister Plenipotentiary, Permanent Mission, Geneva.
BEBARS, Reda, Mr., Counsellor, Permanent Mission, Geneva.
AMIN, Islah, Ms., Counsellor, Permanent Mission, Geneva.
EL-GAZZAR, Nadia, Mrs., International Labour Relations Department, Ministry of Manpower and Immigration.

Advisers

KHALAFALLAH, Ahmad, Mr., Director of Cabinet of Minister of Manpower and Immigration.
EL-ETR, Amany, Ms., Second Secretary, Permanent Mission, Geneva.
ABDELAZIZ HAFEZ, Amr, Mr., Third Secretary, Permanent Mission, Geneva.
MOSTAFA, Khalid, Mr., Ministry of Manpower and Immigration.
EL BAKLY, Khaled, Mr., First Secretary.

Employers' Delegate

KHAMIS, Mohamed Farid, Mr., Chairman of the Federation of Egyptian Industries.

Advisers and substitute delegates

MEKKI, Mamdouh, Mr., Vice Chairman, Federation of Egyptian Industries.

MOTTAWA, Husseen, Mr., Director General, Federation of Egyptian Industries.

SHOEIB, Adel, Mr., Director of Chamber of Engineering Industries.

BEKHEET, Abdel-Monaem, Mr., Deputy Director General, Federation of Egyptian Industries.

FATHALLAH, Fathallah Mohamed, Mr., Deputy Director, Chamber of Engineering Industries.

EL-ABRASHY, Hussein Zaki, Mr., Egyptian Businessmen Association.

Workers' Delegate

MORSI, Mohamed El-Saied, Mr., Secretary-General, Federation of Egyptian Trade Unions.

Adviser and substitute delegate

EL-AZALY, Abdel Monem, Mr., Federation of Egyptian Trade Unions for External Relations.

Advisers

TAHA, Hamdy, Mr., Federation of Egyptian Trade Unions.

SAAD-ELDEEN, Haitham, Mr., Federation of Egyptian Trade Unions

MAGAWER, Husseen, Mr., Federation of Egyptian Trade Unions.

MONGY, Mostafa Mohamed, Mr., First Deputy to the President, Federation of Egyptian Trade Union.

EZAT, Nader Galal, Mr., Federation of Egyptian Trade Union.

ABD-ELHADY, Aisha, Mrs., Federation of Egyptian Trade Union.

ELTAHRY, El Sayed, Mr., Ministry of Manpower.

El Salvador

Ministro asistente a la Conferencia

TOMASINO HURTADO, José Eduardo, Sr., Ministro de Trabajo y Previsión Social.

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KRAVETZ, Alexander A., Sr., Misión Permanente en Ginebra.

Consejeros técnicos

ESCOBAR, Margarita, Sra., Embajador, Representante Permanente Adjunto, Misión Permanente en Ginebra.

AVILA VASQUEZ, Elia Estela, Sra., Ministerio de Trabajo y Previsión Social

MAGAÑA, Milton, Sr., Asesor, Dirección general de Promoción y Relaciones Económicas, Ministerio de Relaciones Exteriores.

ALVARADO-OVERDIEK, Lilian, Sr., Consejero.

Delegado de los empleadores

CASTO FUNES, Francisco, Sr., Asociación Nacional de la Empresa Privada, Cámara de Comercio e Industria.

Delegado de los trabajadores

SOMOZA ALFARO, Anibal, Sr.

Emirats arabes unis
United Arab Emirates
Emiratos Arabes Unidos

Minister attending the Conference

AL-TAYER, Matar Humaid, Mr., Minister of Labour and Social Affairs.

Government Delegates

AL-SUWAIDI, Mohamed Eissa, Mr., Under Secretary, Ministry of Labour and Social Affairs.

AL-MEHAIRI, Salem Ali, Mr., Director, Department of International Labour Relations, Ministry of Labour and Social Affairs.

Adviser and substitute delegate

EL NOUR, Yousif Gaafar Sirag, Mr., Labour Adviser, Ministry of Labour and Social Affairs.

Advisers

HUSSAIN, Abdulrida Askar, Mr., First Secretary, Ministry of Foreign Affairs.

AL SHAMSI, Ali Mohammed, Mr., First Secretary, Permanent Mission, Geneva.

[illegible]

MATTAR, Khalifa Khamiss, Mr., Member, Board of Directors, Federation of Chambers of Commerce and Industry.

Adviser and substitute delegate

AL-GHAIZI, Ahmed Gameh, Mr., Deputy Director, Economic Department, Federation of Chambers of Commerce and Industry.

Workers' Delegate

AL-ABDOULY, Khalfan Jassem, Mr., Chairman, Coordination Council, Professional Associations.

Adviser and substitute delegate

AL-MAINY, Mohammad Kamel, Mr., Member, Coordination Council, Professional Associations.

Equateur Ecuador Ecuador

Ministro asistente a la Conferencia

RIVADENEYRA ORCES, Edgar, Sr., Ministro de Trabajo y Recursos Humanos.

Delegados gubernamentales

GALLEGOS CHIRIBOGA, Luis, Sr., Jefe, Misión Permanente en Ginebra.

LUGO NARANJO, Rafael Alejandro, Sr., Asesor del Despacho del Ministro.

Consejeros técnicos y delegados suplentes

VÁZQUEZ GALARZA, Eugenio, Sr., Asesor para Asuntos Internacionales.

RODAS P., Antonio, Sr., Representante Permanente Adjunto, Misión Permanente en Ginebra.

ANDA S., Gustavo, Sr., Primer Secretario, Misión Permanente en Ginebra.

Consejero técnico

THULLEN, Jorge, Sr.

Delegado de los empleadores

CORAL ALMEIDA, Byron, Sr., Federación Nacional de Cámara de la Pequeña Industria.

Delegado de los trabajadores

VELOZ CUEVA, Ramiro, Sr., Central Ecuatoriana de Organizaciones Clasistas.

Consejeros técnicos y delegados suplentes

CHÁVEZ CHÁVEZ, José, Sr., Confederación Ecuatoriana de Organizaciones Sindicales Libres.

DUTÁN ERRAEZ, Fausto, Sr., Confederación Ecuadoriana de Organizaciones Clasistas Unitarias de Trabajadores.

Consejero técnico

LUZARDO, Carlos Humberto, Sr.

Erythrée Eritrea Eritrea

Minister attending the Conference

ABRAHA, Ogbe, Mr.

Person accompanying the Minister

HAILE, Yohannes, Mr.

Government Delegate

WOLDEYOHANNES, Bereket, Mr., Consul.

Employers' Delegate

DAMMANA, Sunabara Mohmoud, Mr., Preparatory Employers' Committee of Eritrea.

Workers' Delegate

MOGOS, Tseggai, Mr., National Confederation of Eritrean Workers.

Espagne Spain España

Ministro asistente a la Conferencia

ARENAS BOCANEGRA, Javier, Sr., Ministro de Trabajo y Asuntos Sociales.

Personas que acompañan al Ministro

PIMENTEL SILES, Manuel, Sr., Secretario General de Empleo.

SANCHEZ FIERRO, Julio, Sr., Secretario General Técnico.

MATARI, Juan José, Sr., Director, Gabinete de Trabajo y Asuntos Sociales.

CHOZAS PEDRERO, Juan, Sr., Director General, Instituto Nacional de Empleo.

CUBEROS, Isidro, Sr., Jefe del Gabinete de Prensa del Ministerio de Trabajo y Asuntos Sociales.

BALDIERI, Juan Francisco, Sr., Agregado, Misión Permanente en Ginebra.

Delegados gubernamentales

PEREZ-HERNANDEZ, Raimundo, Sr., Embajador Representante Permanente, Misión Permanente en Ginebra.

DIAZ GUERRA, Marino, Sr., Subsecretario de Trabajo y Asuntos Sociales.

Consejeros técnicos y delegados suplentes

DE SEGOVIA, Luis Fernando, Sr., Representante Permanente Adjunto, Misión Permanente en Ginebra.

LOPEZ MONIS, Carlos, Sr., Consejero Laboral, Misión Permanente en Ginebra.

Consejeros técnicos

SAENZ DE HEREDIA, María, Sra., Subdirectora General de Organismos Internacionales Técnicos, Ministerio de Asuntos Exteriores.

CALZADA CALVO, Angel, Sr., Director Provincial de Trabajo y Asuntos Sociales, Ministerio de Trabajo y Asuntos Sociales.

BRIONES GONZALEZ, Carmen, Sra., Jefe de Area, Dirección General de la Inspección de Trabajo y Seguridad Social, Ministerio de Trabajo y Asuntos Sociales.

DOMINGUEZ GONZALEZ, Aurora, Sra., Inspectora de Trabajo y Seguridad Social, Ministerio de Asuntos Sociales.

ARELLANO CATALAN, Juan, Sr., Jefe de Servicio de Empleo y Trabajo, Subdirección General de Relaciones Sociales Internacionales, Ministerio de Trabajo y Asuntos Sociales.

TRUYOL, Magdalena, Srta., Jefe de Servicio de Organismos de Agricultura, Alimentación y Medio Ambiente, Ministerio de Asuntos Exteriores.

FARGA, Joan, Sr., Subdirectión General de Estudios, Secretaría General de Empleo, Ministerio de Trabajo y Asuntos Sociales.

Delegado de los empleadores

FERRER DUFOL, Javier, Sr., Junta Directiva, Confederación Española de Organizaciones Empresariales (CEOE); Vicepresidente, CONFEMETAL.

Consejero técnico y delegado suplente

LACASA ASO, José María, Sr., Director de Relaciones Internacionales, CEOE; Miembro Adjinto, Consejo de Administración de la OIT.

Consejeros técnicos

JIMENEZ AGUILAR, Juan, Sr., Secretario General, CEOE.

SUAREZ GARCIA, Roberto, Sr., Secretario General, Confederación General de Empresarios de León.

ROLDAN MUÑOZ, Justo, Sr., Secretario General, Confederación Provincial de Empresarios de Albacete.

GOMEZ ALBO, Pablo, Sr., Director de Relaciones Laborales (CEIM).

BUGALLAL ORTIZ, Pedro, Sr., Departmentao de Relaciones Internacionales, CEOE.

ADRADOS GAUTIER, Paloma, Sra., Departamento de Relaciones Laborales, CEOE.

HUNT ORTIZ, Juan, Sr., Departamento de Relaciones Internacionales, CEOE.

RODRIGUEZ CASTAÑÓN, Ricardo, Sr., Secretario General de la Asociación Española de Empresas de Trabajo Temporal (GEESTA).

Delegado de los trabajadores

BONMATI, Manuel, Sr., Secretario de Relaciones Internacionales, Unión General de Trabajadores (UGT).

Consejero técnico y delegado suplente

FRADES, Jaime, Sr., Gabinete Técnico Confederal, UGT.

Consejeros técnicos

FARLETE, Luis Mariano, Sr., Federación de Construcción y Madera, UGT

GARCIA DUQUE, Jesús, Sr., Unión Regional de Teruel, UGT.

GONZALEZ ZAMORA, Miguel, Sr., Adjunto, Secretaría de Relaciones Internacionales, Confederación Sindical de Comisiones Obreras (CCOO).

CANOVAS MARTINEZ, José, Sr., Secretario de Acción Sindical U.R. de Murcia, CCOO.

MARCHAN REDONDO, Gregorio, Sr., Secretario de Acción Sindical y Empleo, USMR, CCOO.

BETELU BAYO, Amaia, Sra., Departamento Internacional, ELA/STV.

LOPEZ GROMAZ, Natividad, Sra., Responsable del Gabinete Técnico Confederal, Confederación Intersindical Gallega.

Estonie Estonia Estonia

Minister attending the Conference

ARO, Tiiu, Ms., Minister of Social Affairs.

Government Delegates

HINDOV, Eike, Ms., Head, ILO Bureau, Ministry of Social Affairs.

MARKSOO, Ulle, Ms., Chief Officer, Labour Department, Ministry of Social Affairs.

Advisers and substitute delegates

JOONSAAR, Anne, Ms., Chief Adviser, Legal Department, Ministry of Social Affairs.

JÄNES, Milvi, Ms., Working Environment Department, Ministry of Social Affairs.

Adviser

PALLUM, Priit, Mr., Chargé d'Affaires a.i.

Employers' Delegate

REMMEL, Helve, Ms., Managing Director of the Union of Estonian Food Industry, Confederation of Estonian Industry and Employers.

Workers' Delegate

KAADU, Tiit, Mr., General Secretary, Association of Trade Unions.

Etats-Unis United States Estados Unidos

Government Delegates

SAMET, Andrew J., Mr., Acting Deputy Under Secretary, International Affairs, Department of Labor.
SMITH, Gare A., Mr., Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor, Department of State.

Advisers and substitute delegates

PETERSON, David A., Mr., Senior Policy Adviser, Office of Economic Policy, Department of Commerce.
GERSON, Leslie Ann, Mrs., Chargé d'Affaires, Permanent Mission, Geneva.
CUMMINGS, Edward, Mr., Chargé d'Affaires, Permanent Mission, Geneva.

Advisers

ANDERSON, Betsy, Ms., Director for Industrial and Communications Programs, Bureau of International Organization Affairs, Department of State.
DEPENBROCK, John, Mr., Associate Solicitor, Division of Labor-Management Laws, Solicitor's Office, Department of Labor.
FLETCHER, Carolyn H., Ms., International Programe Specialist, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.
HALEY, Sudha, Ms., Area Adviser for Near East, North Africa and South Asia, Office of Foreign Relations, Department of Labour.
SPRING, H. Charles, Mr., Director, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.
STIGLIANI, Nicholas, Mr., Labor Attaché, Permanent Mission, Geneva.
SWEENEY, Daniel F., Mr., Fair Labor Standards Enforcement, Wage and Hour Division, Employment Standards Administration, Department of Labor.
WEINTRAUB, Leon, Mr., International Resource Management, Permanent Mission, Geneva.
JOHNSON, Eric R., Mr., Director, Office of One Stop Employment and Training Administration, Department of Labor.
LOFTS, Robert G., Mr., counselor for Political and Specialized Agencies Affairs, permanente Mission, Geneva.
MCATEER, Davitt J., Mr., Acting Solicitor of Labor, Department of Labor.

Other persons attending the Conference

HARKIN, Tom, Mr., Senator.
GUTIERREZ, Rosemary, Ms., Staff Assistant.

Employers' Delegate

POTTER, Edward E., Mr., International Labor Counsel to the U.S. Council for International Business and Partner, McGuiness and Williams.

Adviser and substitute delegate

SEMRAU, Michael J., Mr., Chief Labor Consultant, The Coca-Cola Company.

Advisers

BILLER, Joel W., Mr., Senior Vice President and General Counsel, Manpower.
KISLING, J.W., Mr., Chairman, Multiplex Company, Inc.
RITCHOTTE, John, Mr., Director of International Labor Affairs and Industrial Relations, U.S. Council for International Business.
RICH, Darian, Mr., Director of Industrial Relations, The Coca-Cola Company.
SULLIVAN, Stewart, Mr., Vice-President for employee Resources (Retired), Pfizer International Pharmaceuticals.
VELLA, Joseph, Mr., Vice President - Employee Relations, Federated Department Stores.

Workers' Delegate

GRAY, Charles D., Mr., Special Adviser to the President AFL-CIO.

Adviser and substitute delegate

ZELLHOEFER, Jerald, Mr., AFL-CIO European Representative.

Advisers

FISHMAN, Phillip A., Mr., Assistant Director, International Affairs, AFL-CIO.
GACEK, Stanley, Mr., Assistant Director, AFL-CIO.
GARREN, Brent, Mr., Associate General Counsel, Union of Needle Trades, Industrial and Textile Employees.
LENOIR, Juliette, Ms., Assistant to the Exective Director, African-American Labor Center AALC.
LESCAULT, Michael T., Mr., Deputy European Representative, AFL-CIO.
LYNCH, Leon, Mr., Vice President, United Steelworkers of America.
BOGGS, Michael, Mr., Director of International Affairs, Laborers' International Union.
SWEENEY, John J., Mr., President, AFL-CIO.

Ethiopie Ethiopia Etiopía

Minister attending the Conference

ABDELLA, Ato Hassen, Mr., Minister of Labour and Social Affairs.

Government Delegates

YIMER, Fisseha, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
BESHAH, Yohannes, Mr., A/Head, International Relations Team, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

DELELEGN, Mussie, Mr., First Secretary, Permanent Mission, Geneva.
ALEMU, Minelik, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

IACONA, Roberto, Mr.

Workers' Delegate

ALEMAYEHU, Amare, Mr., President of the Confederation of Ethiopian Trade Union (CETLLU).

Ex-Rép. yougoslave de Macédoine The Former Yugos.Rep. of Macedonia Ex Rep. Yugoslava de Macedonia

Minister attending the Conference

ZIBERI, Naser, Mr., Minister for Labour and Social Policy.

Government Delegates

TRAJANOV, Stojan, Mr., Undersecretary.
BAKEVA, Adrijana, Mrs., Adviser to the Minister.

Advisers and substitute delegates

PETRESKI, Goce, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
BELCEV, Dimitar, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

SAKIRI, Agim, Mr.
JOLEVSKI, Zoran, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

KOVCEGARSKI, Ljupco, Mr., General Secretary, Economic Chamber of Macedonia.

Workers' Delegate

GEORGIEVSKI, Tome, Mr., Assistant of President, CCM.

Fidji Fiji Fiji

Government Delegates

LOBENDAHN, Vincent Walter, Mr., Minister for Labour and Industrial Relations.
KURUDUADUA, Sainivalati, Mr., Principal Labour Officer, Ministry of Labour and Industrial Relations.

Employers' Delegate

ROBERTS, Kenneth A.J., Mr., Chief Executive, Fiji Employers' Federation.

Adviser

RAJU, T. Venkat, Mr., President, Fiji Employers' Federation.

Workers' Delegate

SHANKAR, Diwan, Mr., National Treasurer, Trades Union Congress.

Finlande Finland Finlandia

Minister attending the Conference

JAAKONSAARI, Liisa, Ms., Minister of Labour.

Person accompanying the ministers

KANGASPERKO, Raila, Ms., Special Adviser, Ministry of Labour.

Government Delegates

SALMENPERA, Matti, Mr., Director, Working Environment Division, Ministry of Labour.
RAIVIO, Tuuli, Ms., Counsellor, Permanent Mission, Geneva.

Advisers and substitute delegates

MITRUNEN, Kari, Mr., Minister, Permanent Mission, Geneva.

MELKAS, Helinä, Ms., Secretary for International Affairs, Ministry of Labour.

Advisers

RANTAKAULIO-OKKERI, Marja, Ms., Special Adviser, Ministry of Labour.

SAIKKONEN, Paavo, Mr., Senior Adviser, Ministry of Labour.

SALOHEIMO, Jorma, Mr., Associate Professor of Labour Law, University of Helsinki.

Other persons attending the Conference

HAATAINEN, Tuula, Ms., Member of Parliament.

HUOTARI, Anne, Ms., Member of Parliament.

KARJULA, Kyösti, Mr., Member of Parliament.

TILIKAINEN, Raimo, Mr., Member of Parliament.

TUOVINEN, Timo, Mr., Counsellor to the Parliamentary Committee on Labour and Social Affairs.

Employers' Delegate

RISKI, Seppo, Mr., Director, Confederation of Finnish Industry and Employers.

Adviser and substitute delegate

HUTTUNEN, Martti, Mr., Senior Adviser, Employers' Confederation of Service Industries.

Advisers

GRAHN, Hans, Mr., Legal Adviser, Employers' Confederation of Service Industries.

HIETALA, Harri, Mr., Legal Adviser, Confederation of Finnish Industry and Employers.

NYYSSOLA, Mikko, Mr., Legal Adviser, Confederation of Finnish Industry and Employers.

Workers' Delegate

VALKONEN, Marjaana, Ms., Development Manager, Central Organization of Finnish Trade Unions SAK.

Adviser and substitute delegate

RUSANEN, Jorma, Mr., Legal Adviser, Central Organization of Finnish Trade Unions SAK.

Advisers

AHOKAS-KELOTIE, Heli, Ms., Legal Adviser, Finnish Confederation of Salaried Employees STTK.

KURKI, Leila, Ms., Education and Employment Adviser, Finnish Confederation of Salaried Employees STTK.

HEMMER, Mona, Ms., International Secretary, Confederation of Unions for Academic Professionals.

LAHTEENMAKI, Jarmo, Mr., President, The Finnish Paperworkers' Union.

BERGMAN, Turo, Mr., Deputy Director, Central Organization of Finnish Trade Unions SAK.

France France Francia

Délégués gouvernementaux

CHOTARD, Yvon, M., Président de groupe au Conseil Economique et Social, Délégué de la France au Conseil d'Administration du BIT.

CARTIER, Jean-Louis, M., Sous-Directeur, Chef de la Mission Internationale, Ministère du Travail et des Affaires Sociales, Délégué suppléant de la France au Conseil d'Administration du BIT.

Conseillers techniques et délégués suppléants

BERNARD, Daniel, M., Ambassadeur, Représentant Permanent, Mission permanente à Genève.

RAMOND, Maurice, M., Inspecteur Général honoraire des Affaires Sociales.

Conseillers techniques

CAUSERET, Charley, M., Sous-Directeur, Direction des Nations Unies et des Organisations Internationales, Ministère des Affaires Etrangères.

CHALAMET, Frédéric, M., Chargé de Mission, Direction des Relations du Travail, Ministère du Travail et des Affaires Sociales.

DELAFOSSE, Gérald, M., Chargé de Mission, Département des Relations du Travail, de l'Emploi et de la Formation Professionnelle, Ministère des Départements et Territoires d'Outre-Mer.

FAUVEAU, Gérald, M., Conseiller des Affaires Etrangères, Mission permanente à Genève.

FORNARO, Jean-louis, M., Chargé de Mission, Direction des Relations du Travail. Ministère du Travail et des Affaires Sociales.

LUCAS, Bruno, M., Chef de la Mission Fonctionnement du Marché, Délégation Générale à l'Emploi et à la Formation Professionnelle, Ministère du Travail et des Affaires Sociales.

ROUX, Henri, M., Chargé de Mission à la Division Synthèse, Délégation Générale à l'Emploi et à la Formation Professinnelle.

SCHALCHLI, Dominique, M., Chargé de Mission, Mission Internationale, Ministère du Travail et des Affaires Sociales.

SORTAIS, Alain, M., Représentant permanent adjoint, Mission permanente à Genève.

Délégué des employeurs

OECHSLIN, Jean-Jacques, M., Délégué du Conseil National du Patronat Français (C.N.P.F.) pour les relations avec l'OIT. Vice-Président du Conseil d'Administration du BIT.

Conseiller technique et délégué suppléant

BOUSSAT, Bernard, M., Conseiller, Délégué du Conseil National du Patronat Français (C.N.P.F.) pour les relations avec l'OIT.

Conseillers techniques

ANDRIEU, Françoise, Mme, Membre de la Commission Sociale à la Confédération Générale des Petites et Moyennes Entreprises (C.G.P.M.E.).

BEAUVIALA, Philippe, M., Président du Syndicat des Professionnels du Travail Temporaire (PROMATT).

BENHAMOU, Annie, Mme, Conseiller du Service des Affaires Internationales, Union des Industries Métallurgiques et Minières (U.I.M.M.).

DRAGUE, Olivier, M., Union des Industries Métallurgiques et Minières (U.I.M.M.).

MARTIN, Catherine, Mme, Directeur de l'Emploi, Conseil National du Patronat Français (C.N.P.F.).

ROILAND, Marie-Paule, Mme, Directeur des Affaires Européennes et Internationales, Union des Industries Métallurgiques et Minières (U.I.M.M.).

VEYSSET, Jean-François, M., Confédération Générale des Petites et Moyennes Entreprises (C.G.P.M.E.). Vice-Président de la Fédératin Nationale de l'Industrie Hôtelière (F.N.I.H.).

Délégué des travailleurs

DELHOMENIE, Jean-Pierre, M., Secrétaire Confédéral C.F.D.T.

Conseiller technique et délégué suppléant

DEDIEU, Thierry, M., Chargé de Mission Internationale (C.F.D.T.).

Conseillers techniques

CAMBUS, Claude, M., Service International (C.F.E.-C.G.C.).

DANTEC, Jean-Yvon, M., Délégué Cadre à la Société Thomson (C.G.T.-F.O.).

GOURMELON, Armel, M., Secrétaire Général Adjoint (C.F.T.C.).

JENNER, Walter, M., Secrétaire Fédéral (C.F.D.T.).

PE, Jacques, M., Secrétaire Confédéral (C.G.T.-FO).

RETUREAU, Daniel, M., Responsable de la Commission BIT (C.G.T.).

VERONESE, Alphonse, M., Secrétaire (C.G.T.).

RULIE, Jean-Pierre, M., Secrétaire Fédéral (F.E.N.).

Gabon

Ministre assistant à la Conférence

PENDY-BOUYIKI, Jean-Rémy, M., Ministre d'Etat, chargé du Travail, de l'Emploi et de la formation professionnelle.

Personnes accompagnant le Ministre

LASSENI DUBOZE, Victoire, Mme, Secrétaire d'Etat, auprès du Ministre d'Etat, chargé du Travail, de l'Emploi et de la Formation professionnelle.

MBA ALLO, Emmanuel, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

NDONG-NANG, Daniel, M., Secrétaire général, Ministère du Travail.

NDONG MVIE, Eugène, M., Directeur général du Travail, de la Main d'Oeuvre et de l'Emploi.

Conseillers techniques et délégués suppléants

TCHEN, Eugénie, Mme, Conseillère du Ministre.

OBIANG-OSSOUBITA, Bernard, M., Inspecteur général de l'Hygiène et de la Médecine du Travail.

MOULOMBA NZIENGUI, M., Directeur des Relations internationales.

NZIENGUI, François, M., Conseiller du Président de la République.

ECKONG NGOUA, Paul, M., Conseiller auprés du Premier Ministre chargé des questions sociales.

Conseillers techniques

ANGONE ABENA, Mme, Conseillère chargée des Relations avec le BIT, Mission permanente à Genève.

KOMBO MPONGUI, Yves, M., Attaché de Cabinet.

NDJOUMBA, Claude Rufin, M., Attaché de Cabinet.

MBEGA OSSA, Jean Boex, M., Directeur général, Ressources humaines.

OYONO NGOMO, Henri Jacob, M., Directeur général, Office national de l'Emploi.

Délégué des employeurs

ABOUGHE OBAME, Jean, M., Confédération Patronale Gabonaise (CPG).

Conseillers techniques et délégués suppléants

TCHOUA, Jean Pierre, M., Président, Confédération nationale du Patronat Gabonais (CNPG).

AKOULOU-EYELEKO, Claude, M., Vice-Président, CNPG.

Délégué des travailleurs

MAYOMBO, Etienne Francis, M., Secrétaire général, Confédération Gabonaise des Syndicats Libres (CGSL).

Conseillers techniques et délégués suppléants

ALLINI, Martin, M., Secrétaire Général, Confédération Syndicale Gabonaise (COSYGA).

MOUSSAVOU MOUSSAVOU, M., Secrétaire général, Union des Travailleurs Gabonais (UTG).

Conseillers techniques

ENGONE, Augustin, M., Secrétaire général, Union générale des Salariés Responsables (UGSR).
MOMBO MOUELE, Camille, M., Secrétaire Confédéral à la Confédération gabonaise des Syndicats libres (CGSL).
TONDA MIKIELA, M., Syndicat des Mines, Affilié, COSYGA.
LOEMBE, Jean Benoit, M., Secrétaire Fédéral, CGSL.
MENGARA, Joseph-Dieir, M., Conseiller du Secrétaire Général, CGSL.
AZILE, Anselme, M., Secrétaire Confédéral, COSYGA.

Gambie Gambia Gambia

Government Delegates

NJIE, Mama Yari, Mrs., Acting Deputy Permanent Secretary. Responsible for ILO matters, Ministry of Trade, Industry and Employment.
DAVIES, Alberta, Mrs., Acting Principal Labour Officer, Department of Labour.

Employers' Delegate

NJIE, K.T., Mr., Gambia Chamber of Commerce Industry (GCCI).

Géorgie Georgia Georgia

Government Delegate

KALANDADZE, Giorgi, Mr., First Vice-Minister of Social Security, Labour and Employment.

Ghana

Minister attending the Conference

MUHAMMAD MUMUNI, Alhaji, Mr., Minister, Ministry of Employment and Social Welfare.

Government Delegates

AGGREY-ORLEANS, Agnes Y., Mrs., Ambassador and Permanent Representative, Permanant Mission, Geneva.
BEBAAKO-MENSAH, J.K., Mr., Chief Director, Ministry of Employment and Social Welfare.

Advisers

GYEBI, Alex, Mr., Chief Labour Officer, Ministry of Employment and Social Welfare.
NEE-WHANG, Ellen S., Mrs., Minister-Counsellor, Permanent Mission, Geneva.

Employers' Delegate

AMPIAH, Ato Pobee, Mr., Deputy President, Ghana Employers' Association.

Adviser and substitute delegate

YAMSON, I.E., Mr., President, Ghana Employers' Association.

Advisers

OWUSU, George, Mr., Executive Director, Ghana Employers' Association.
STANLEY PIERRE, Charles, Mr., Council Member, Ghana Employers' Association.
AGYARKO, Bossman, Mr., Personnel Manager, Accra Brewery Limited.
ANIM, Godwin, Mr., Personnel Manager, Ghana Ports & Harbours Authority.
DJARBENG, E.D., Mr., General Manager, Cocoa Board.
ADU-MANTE, R.G., Mr., Personnel Director, Unilever Ghana Limited.
BOAKYE AMPONSAH, Yiadom, Mr., Job Analyst, Stanley Mining Company.

Workers' Delegate

APPIAH AGYEI, Christian, Mr., Secretary-General, Trades Union Congress.

Advisers

ODUM-EWUAKYE, Daniel, Mr.
VORMAWOR, D.K.Y., Mr., Deputy Secretary-General, Trades Union Congress.
NUNOO-QUAYE, S.O., Mr., Head, International Affairs Department.
COLE, Robert K., Mr., General Secretary, General Mine Workers Union.
ASAMOAH, Kofi, Mr., General Secretary, Maritime and Dock Workers Union.
FIAWOTSO, K.H.Y., Mr., Chairman, Supreme Consultative Council of Cocoa Industry, Workers Union.

Grèce Greece Grecia

Minister attending the Conference

PAPAIOANNOU, Miltiades, Mr., Minister of Labour and Social Security.

Person accompanying the Minister

HELMIS, George, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Government Delegates

PROTOPAPAS, Christos, Mr., Undersecretary, Ministry of Labour and Social Security.

COUNDOUREAS, Dionyssios, Mr., First Counsellor, Permanent Mission, Geneva.

Advisers and substitute delegates

BRAKATSOULAS, Vassilios, Mr., Secretary General, Ministry of Labour and Social Security.

PITSOLIS, Ioannis, Mr., Director General, Directorate of Administration, Ministry of Labour and Social Security.

LAIOU-SPANOPOULOU, Maria, Mrs., Head, Directorate on International Relations, Ministry of Labour and Social Security.

CHRYSANTHOU, Evdokia, Mrs., Head, Section of the Directorate on International Relations, Ministry of Labour and Social Security.

Advisers

SAKELAROPOULOS, Theodoros, Mr., Secretary General on Social Security, Ministry of Labour and Social Security.

KRITIKOU-PARASKEVA, Ekaterini, Mrs., Head, Directorate on Employment, Ministry of Labour and Social Security.

KOLLIOPOULOS, Ilias, Mr., Directorate on Research, Manpower-Employment Organization.

BAGGE, Evangelia, Mrs., Head of Section, Secretariat General of Social Security.

THEODOROU, Theodoros, Mr., First Secretary, Permanent Mission, Geneva.

KATSANI, Maria, Mrs., Directorate on International Relations, Ministry of Labour and Social Security.

MYLONAS, Manolis, Mr., Directorate on Working Conditions, Ministry of Labour and Social Security.

AGRAPIDAS, Costas, Mr., Directorate on Employment, Ministry of Labour and Social Security.

KARAYANNI, Styliani, Mrs., Directorate on International Relations, Ministry of Labour and Social Security.

Employers' Delegate

ANALYTIS, Nikolaos, Mr., Vice-President, Federation of Greek Industries (FGI).

Advisers and substitute delegates

HARAKAS, Harilaos, Mr., Legal Adviser, FGI.

TSOUMANI-SPENTZA, Evgenia, Mrs., Lawyer, FGI.

Advisers

PAPAIOANNOU, Lampros, Mr., Lawyer, FGI.

KOUTSIVITOU, Anastasia, Mrs., Adviser, FGI.

SKIADAS, Alexandros, Mr., Adviser, FGI.

VAGIAS, Antonios, Mr., Adviser, FGI.

FETSIS, Spyridon, Mr., Representative, National Confederation of Merchants, Thessaloniki.

ECONOMOU, Vassilios, Mr., Representative, National Confederation of Merchants.

DRIKOS, Georgios, Mr., Vice President, General Confederation of Small and Medium-size Businesses, Craftsmen and Tradesmen.

SKORINIS, Nikolaos, Mr., Vice President, General Confederation of Small and Medium-size Businesses, Craftsmen and Tradesmen.

Workers' Delegate

POLYZOGOPOULOS, Christos, Mr., President, General Confederation of Greek Workers (GCGW).

Advisers and substitute delegates

MAVRIKOS, George, Mr., Secretary General, GCGW.

DELIGIANNAKIS, Theodoros, Mr., Legal Adviser, GCGW.

DASSIS, George, Mr., Secretary, International Relations, Institute of Labour, GCGW.

Advisers

STAMOU, Spyros, Mr., Secretary, GCGW.

ORFANOS, George, Mr., Secretary of Finance, Executive Committee, GCGW.

PAVLIDAKIS, George, Mr., Secretary on International Relations, Executive Committee, GCGW.

KONTAKIS, George, Mr., Executive Committee, GCGW.

FRANGHIADAKI, Maria, Mrs., Administration, GCGW.

AVGITIDIS, Eleftherios, Mr., Administration, GCGW.

VOULGARAKIS, Dimitrios, Mr., Administration, GCGW.

Person appointed in accordance with Article 2, paragraph 3(i)

IORDANOPOULOS, Eleftherios, Mr., Administration, GCGW.

Guatemala

Ministro asistente a la Conferencia

CIFUENTES MENDOZA, Hector Adolfo, Sr., Ministro de Trabajo y Previsión Social.

Delegados gubernamentales

RIVAS SANCHEZ, Oscar Augusto, Sr., Vice Ministro de Trabajo y Previsión Social.

URRUELA PRADO, Federico, Sr., Ambajador Representante Permanente, Misón Permanente en Ginebra.

Consejero técnico y delegado suplente

VALENZUELA TERCERO, Ana Rosa, Sra., Directora Asuntos Internacionales de Trabajo, Ministerio de Trabajo y Previsión Social.

Consejeros técnicos

RODRIGUEZ DE FANKHAUSER, Carolina, Sra., Misión Permanente en Ginebra.
RODRIGUEZ URIGUEN, Carla Maria, Sra., Misón Permanente en Ginebra.
OLIVET DE ASENCIO, Sandra, Sra., Presidenta, Comisión de Trabajo del Congreso de La República.
ALVAREZ, Carlos, Sr.

Delegado de los empleadores

PRETI JORQUIN, Humberto, Sr., Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras (CACIF).

Consejero técnico y delegado suplente

MENENDEZ CASTEJON, Adolfo, Sr.

Consejeros técnicos

ARDON QUIÑONEZ, Roberto, Sr.
RICCI MUADI, Guido, Sr.

Delegado de los trabajadores

MENDEZ DIAZ, Edgar rudy, Sr.

Consejero técnico y delegado suplente

HERNANDEZ LIMA, Julio César, Sr.

Guinée Guinea Guinea

Ministre assistant à la Conférence

DOUALAMOU, Germain, M., Ministre de l'Emploi et de la Fonction Publique.

Délégués gouvernementaux

CAMARA, Sékou, M., Représentant, Mission Permanente à Genève.
DIALLO, Nounkouma, M., Directeur National du Travail et des Lois Sociales.

Conseiller technique et délégué suppléant

SIDIBE, Mansa Moussa, M., Inspecteur Général du Travail.

Conseillers techniques

KABA, Souleymane, M., Directeur Général de l'ONEMO.
BERETE, Aguibou, M., Chargé d'Etudes à l'Office pour la Promotion des Investissements Privés (OPIP) au MCIPSP.

Délégué des employeurs

DABO, Abdoulaye Dima, M., Chargé des Relations Extérieures du C.P.G..

Conseiller technique et délégué suppléant

DIARRA, Hadja Fatoumata, Mme, Membre du Bureau Exécutif du C.P.G.

Délégué des travailleurs

KEBE, Samba, M., Secrétaire Général de la Confédération Nationale des Travailleurs de Guinée.

Conseillers techniques et délégués suppléants

MARA, Mamadou, M., Secrétaire Général de L'UGTG.
TOURE, Yamodou, M., Secrétaire Général de l'ONSLG.

Guinée-Bissau Guinea-Bissau Guinea-Bissau

Ministre assistant à la Conférence

BALDÉ, Abubacar, M., Ministre de la Fonction Publique et du Travail.

Délégués gouvernementaux

MILACO, Pedro Morato, M., Directeur Général du Travail.
BALDÉ, Juldé, M., Conseiller Technique du Ministre et Chargé des Dossiers de l'OIT.

Délégué des employeurs

INJAI, Canjura, M., Président du Chambre de Commerce, Industrie et Agriculture.

Délégué des travailleurs

LIMA DA COSTA, Desejado, M., Secrétaire générale, Union nationale des Travailleurs (UNTG).

Conseiller technique et délégué suppléant

NANCASSA, Luís, M., Presidente, Syndicat nationale des Professores.

Guinée équatoriale
Equatorial Guinea
Guinea Ecuatorial

Ministro asistente a la Conferencia

MODU AKUSE BINDANG, Carmelo, Sr., Ministro de Estado de Trabajo y Seguridad Social.

Delegados gubernamentales

MOLONGUA AKIEME, Inocencio, Sr., Inspector de Trabajo.
ANGUE OSA, Justino-David, Sr., Jefe, Relaciones Internacionales, Ministerio de Trabajo y Seguridad Social.

Consejeros técnicos

NGUEMA, Erundina Eyang, Sra.
OBAMA, Justo Nvo, Sr.

Haiti

Ministre assistant à la Conférence

AMEDÉE, Pierre-Denis, M., Ministre des Affaires sociales.

Délégués gouvernementaux

ANTONIO, Joseph Philippe, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
SUPRENA, Wilfrid, M., Directeur général, Ministère des Affaires sociales.

Conseillers techniques et délégués suppléants

FILS-AIMÉ, Pegdy, M., Chef de Cabinet du Ministre.
JOSEPH, Pierre-Louis, M., Direction du Travail.
GASPARD, Fritzner, M., Conseiller, Mission Permanente à Genève.

Conseiller technique

LOUISSAINT, Michel, M., Direction du Travail.

Délégué des employeurs

CLESCA, Harry, M., Représentant du Patronat.

Délégué des travailleurs

PIERRE, Gerard, M., Représentant du Salariat.

Honduras

Delegados gubernamentales

BATRES, Salomon Maximino, Sr.
BU FIGUEROA, Gracibel, Sra., Consejero, Encargada de Negocios, a.i.

Delegado de los empleadores

MARTINEZ, José Job, Sr.

Delegado de los trabajadores

VILLAFRANCA, Claudio M., Sr.

Hongrie Hungary Hungría

Minister attending the Conference

KISS, Péter, Mr., Minister of Labour.

Persons accompanying the Minister

TISZAVÖLGYI, Judit, Ms., Interpreter.
VARGA, Zsuzsa, Ms., Journalist.

Government Delegates

HÉTHY, Lajos, Mr., State Secretary, Ministry of Labour.
NÁRAY, Péter, Mr., Ambassador, Permanent Mission, Geneva.

Advisers and substitute delegates

NAGY, Katalin, Mr., Head of Department, Ministry of Labour.
VARGA, Imre, Mr., First Secretary, Permanent Mission, Geneva.

Advisers

BÉKÉS, András, Mr., President, Hungarian National Labour.
JOBBÁGY, Zsuzsa, Mr., Deputy Head of Department, Ministry of Labour.
KLEKNER, Péter, Mr., Deputy Head of Department, Ministry of Labour.
BAGÓ, József, Mr., Deputy Head of Department, Ministry of Labour.
BÚZÁS, Katalin, Mrs., First Secretary, Ministry of Foreign Affairs.
SZÉP, Attila, Mr., Chief Counsellor, Ministry of Labour.
FÁRI, Lászlo, Mr., Counsellor, Ministry of Labour.

Employers' Delegate

SZIRMAI, Péter, Mr., Co-President, National Association of Entrepreneurs.

Adviser and substitute delegate

GARAMSZEGI, Gábor, Mr., Member of the Executive Board, Hungarian Employers' Association.

Advisers

FILIPSZ, László, Mr., Secretary of the Cooperative and Legal Secretariat, National Federation of Agricultural Cooperators and Producers.
GYARMATINÉ RÁCZ, Ágnes, Ms., Director, Hungarian Employers' Association.
KOROMPAY, Gyôzô, Mr., Member of Executive Board, Federation of Hungarian Industrialists.
KOSOVICSNÉ TÁBORI, Éva, Ms., International Director, National Association of Entrepreneurs.
KÖRÖSI, Imre, Mr., President, Union of Agrarian Employers.
SZÜCS, György, Mr., President, National Association of the Industrial Corporation.

Workers' Delegate

FÖCZE, Lajos, Mr., President, Autonomous Trade Union Confederation.

Adviser and substitute delegate

GERGELY, Pál, Mr., Senior Expert, Autonomous Trade Union Confederation.

Advisers

CZUGLERNÉ IVÁNYI, Judit, Mr., Expert, National Federation of Workers' Councils.
SÁNDOR, László, Mr., President, Confederation of Hungarian Trade Unions.
GYÖRGY, Károly, Mr., Head of Section, National Confederation of Hungarian Trade Unions.
NEUMANN, László, Mr., Expert, Democratic League of Independent Trade Unions.
TÓTH, Attila, Mr., Expert, Confederation of Unions of Professionals (ESZT).

Inde India India

Minister attending the Conference

ARUNACHALAM, M, Mr., Union Labour Minister.

Government Delegates

KHAN, Rehman, Mr., Labour Minister, Government of Tamil Nadu.
MISHRA, Lakshmidhar, Mr., Secretary of Labour.

Adviser and substitute delegate

GHOSE, Arundhati, Ms., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

SINGH, H.K., Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
DAS, S.K., Mr., Director-General, Labour Welfare.
KRISHNAN, S, Mr., Director-General, Employment and Training.
TREHAN, D.K., Mr., Labour and Employment Adviser.
SINHA, Dilip, Mr., Counsellor, Permanent Mission, Geneva.
SIRAJUDDIN, P.M., Mr., Director.
AGNIVESH, Swamy, Mr., Bandhua Mukti Morcha.
SHAHARE, Rajeev, Mr., First Secretary, Permanent Mission, Geneva.
PIRZADA, G.S., Mr., Private Secretary to Labour Minister.

Employers' Delegate

KOHLI, Uddesh, Mr., Chairman, SCOPE.

Advisers

AGARWAL, S.N., Mr., President, AIOE.
GARG, M.K., Mr., Adviser, AIOE/C.I.E.
HAKEEM, M.A., Mr., Secretary-General, SCOPE.
ANAND, I.P., Mr., Member,Governing Body of the ILO.
NANDA, S.K., Mr., Secretary-General, EFI.
BIDAWTKA, Rammohan, Mr., Vice President, AIMO.

Workers' Delegate

VENUGOPAL, R, Mr., Working President, BMS.

Advisers

SHARMA, S.S., Mr., State General Secretary, BMS.
TIAGI, Veereshwar, Mr., National Secretary, HMS.
MAHENDRA, K.L., Mr., General Secretary, AITUC.
MOOKHERJEE, Subrata, Mr., Vice President, INTUC; Member, Governing Body fo the ILO.
KHUNTIA, R.C., Mr., Vice President, INTUC.
PANDHE, M.K., Mr., General Secretary, CITU.

Indonésie Indonesia Indonesia

Minister attending the Conference

LATIEF, Abdul, Mr., Minister of Manpower.

Government Delegates

SIMANJUNTAK, Payaman J., Mr., Senior Adviser to the Minister of Manpower.

WARSITO, Indro, Mr., Official, Department of Manpower.

Advisers and substitute delegates

TARMIDZI, Agus, Mr., Ambassador, Permanent Representative, Permanant Mission, Geneva.
SYAHRUDDIN, Saodah B.A., Mrs., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.
SUWARTO, Mr., Director-General, Industrial Relations and Labour Standards Development, Department of Manpower.
SWASONO, Yudo, Mr., Chairman, Planning and Development, Department of Manpower.

Advisers

SUTANTO, Mr., Chairman for Public Relations and Foreign Cooperation, Department of Manpower.
SIANTURI, Sabar, Mr., Director of Work Qualification, Department of Manpower.
PRATOMO, Eddy, Mr., First Secretary, Permanent Mission, Geneva.
MOEHARIO, Dienne H., Ms., First Secretary, Permanent Mission, Geneva.
HANARTANI, Myra Maria, Ms., Official, Department of Manpower.
SETYAWATI, Wiwiek, Ms., Official, Department of Foreign Affairs.
TJOKROPRANOTO, Slamet, Mr., Official, Department of Manpower.
UGROSENO, A. Havas, Mr., Official, Department of Foreign Affairs.
KADARISMAN, Sayoga, Mr., Third Secretary, Permanent Mission, Geneva.
LUHULIMA, Anita Lidya, Ms., Attaché, Permanent Mission, Geneva.
WULANSURI S., Ratna, Ms., Secretary to the Minister of Manpower.

Employers' Delegate

THAMRIN, H.M. Rienaldo, Mr., Vice Chairman, Employers' Association.

Advisers

SUKARTIN, Subingar, Mr., Vice Chairman, Employers' Association.
FERDINANDUS, F.F., Mr., Secretary-General, Employers' Association.
RACHMAN, Hasanuddin, Mr., Board Member, Employers' Association.
FRANS, Alexander, Mr., Board Member, Employers' Association.
YASAR, Iftida, Mr., Board Member, Employers' Association.
HAKIM, Lukman, Mr., Board Member, Employers' Association.
SIMANJUNTAK, A.G., Mr., Board Member, Employers' Association.
RUNTU, James B.B.J., Mr., Board Member, Employers' Association.
RACHMAN, T.M. Nasir, Mr., Board Member, Employers' Association.

Persons appointed in accordance with Article 2, paragraph 3(i)

MUDJIONO, Bambang, Mr., Board Member, Employers' Association.
HOERIP, Siswanto, Mr., Board Member, Employers' Association.
WASISTO, D., Mr., Board Member, Employers' Association.
KANTER, Nico, Mr., Board Member, Employers' Association.
BUDIMAN, Mr., Board Member, Employers' Association.

Workers' Delegate

ACHMAD, Marzuki, Mr., Chairman, Federation of All Indonesian Trade Unions, FAITU.

Advisers

PATUNRU, Andi Hisbuldin, Mr., Vice Chairman, FAITU.
PASARIBU, H. Bomer, Mr., Vice Chairman, FAITU.
AKSAM, Rustam, Mr., Secretary, FAITU.
PATOMBONG, Sjaiful Daeng, Mr., Vice Secretary, FAITU.
SOEDARWO, Imam, Mr., Board Member, FAITU.
BAGINDO, A.S. Datuk, Mr., Board Member, FAITU.
DAULAT, Djoko, Mr., Board Member, FAITU.
SARTO, Syukur, Mr., Board Member, FAITU.
MUKADI, Y. Sofiati, Ms., Board Member, FAITU.
NALLE, Matheos, Mr., Board Member, FAITU.

Persons appointed in accordance with Article 2, paragraph 3(i)

SUKARDJA, Erwan, Mr., Board Member, FAITU.
SUDIDJO, Tambah, Mr., Board Member, FAITU.
FAHIR, Arman, Mr., Board Member, FAITU.
WONMALLY, Lukas, Mr., Board Member, FAITU.
RAIS, M, Mr., Board Member, FAITU.

République islamique d'Iran
Islamic Republic of Iran
República Islámica del Irán

Minister attending the Conference

KAMALI, Hossein, Mr., Minister of Labour of Social Affairs.

Persons accompanying the Minister

NASSERI, Sirous, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

BAGHERI YAZDELI, Ahmad, Mr., Adviser to Minister of Labour and Social Affairs.
HOSSEINI, Pirooz, Mr., Director-General, International Economic Affairs and Specialized Agencies.
SHIRKHANI, Mohammad Ali, Mr., Director-General, International Relations Bureau, Ministry of Labour and Social Affairs.
HASHEMI, Ali, Mr.

Government Delegates

ALI-HOSSEINI, Mohammad Taghi, Mr., Counsellor for Labour and Social Affairs.
FANNIZADEH, Kamran, Mr., Counsellor for Labour and Social Affairs, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

GHOFRANI, Abdol Reza, Mr., Senior Expert, International Organizations, Ministry of Foreign Affairs.
MAMDOUHI, Farhad, Mr., First Secretary, Permanent Mission, Geneva.
MOLLA HOSSEINI, Mehdi, Mr., Second Secretary, Permanent Mission, Geneva.
MOEINI MEYBODI, Hossein, Mr., Second Secretary, Permanent Mission, Geneva.
DABIR, Bijan, Mr., Staff member.

Adviser

SHCOURI, Massoud, Mr.

Employers' Delegate

NAJAFI-MANESH, Mohammad Reza, Mr., Iran Spring and Pipe Industry Association.

Adviser and substitute delegate

HAGHBAYAN, Hossein, Mr., Secretary of Iran Cable and Wire Employers' Association.

Workers' Delegate

SALIMIAN, Jabbar Ali, Mr., Workers' House, Province of Yazd.

Advisers and substitute delegates

JELODAR-ZADEH, Soheila, Mrs., Workers' House.
BADBAN, Ali Asghar, Mr., Workers' House.

Advisers

MAHJOOB, Alireza, Mr., Secretary-General, Workers' House.
TAJEDDIN KHOOZANI, Abdolrahman, Mr., Workers' House.
AMINI TAME, Hossein, Mr., Workers' House.
HELFI, Habibollah, Mr., Workers' House.

Iraq

Minister attending the Conference

ALSAYGH, Abdel Hammed, Mr., Minister of Labour and Social Affairs.

Government Delegates

ALI SAID, H., Mr.
AL-KKHERO, Khalid, Mr., First Secretary, Permanent Mission, Geneva.

Adviser and substitute delegate

HASSEN, Nateg M., Mr., Advisor.

Employers' Delegate

ALQDSEY, Adnan Y., Mr.

Workers' Delegate

GAREEB, Fadel Mahmoud, Mr.

Irlande Ireland Irlanda

Minister attending the Conference

FITZGERALD T.D., Eithne, Ms., Minister for Labour Affairs

Person accompanying the Minister

QUIGLEY, Ciarán, Mr., Private Secretary to the Minister for Labour Affairs.

Government Delegates

WHITNEY, Brian, Mr., Assistant Secretary, Department of Enterprise and Employment.
ANDERSON, Anne, Ms., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

DENHAM, Donal, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
JESTIN, Billy, Mr., Principal, Department of Enterprise and Employment.

Advisers

KELLY, John P., Mr., Assistant Principal, Department of Enterprise and Employment.
KELLY, Josephine, Ms., Assistant Principal, Department of Enterprise and Employment.

DRURY, Patrick, Mr., Executive Officer, Permanent Mission, Geneva.
KINSELLA, Colette, Ms., Permanent Mission, Geneva.

Employers' Delegate

DUNNE, John, Mr., Irish Business and Employers' Confederation.

Adviser and substitute delegate

MCAULEY, Dan, Mr., Irish Business and Employers' Confederation.

Workers' Delegate

O'DONOVAN, Patricia, Ms., Irish Congress of Trade Unions.

Adviser and substitute delegate

MRKWICKA, Lenore, Ms., Irish Congress of Trade Unions.

Islande Iceland Islandia

Minister attending the Conference

PÉTURSSON, Páll, Mr., Minister of Social Affairs.

Government Delegates

JÓNSSON, Benedikt, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
KRISTINSSON, Gylfi, Mr., Head of Division, Ministry of Social Affairs.

Advisers and substitute delegates

ÓLAFSSON, Haukur, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
HELGASON, Gudmundur B., Mr., First Secretary, Permanent Mission, Geneva.

Adviser

ÓLAFSDÓTTIR, Hafdís, Ms., Legal Adviser, Office of Althingi.

Employers' Delegate

STEFÁNSDÓTTIR, Hrafnhildur, Ms., Attorney-at-Law, Confederation of Icelandic Employers.

Adviser and substitute delegate

MAGNÚSSEN, Jón H., Mr., Attorney-at-Law, Confederation of Icelandic Employers.

Workers' Delegate

HARALDSSON, Ástrádur, Mr., Attorney-at-Law, Icelandic Federation of Labour.

Adviser and substitute delegate

GUNNARSSON, Hervar, Mr., Vice-Chairman, Icelandic Federation of Labour.

Israel

Government Delegates

ELIYAHU, Yishai, Mr., Minister of Labour and Social Affairs.
LAMDAN, Yosef, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

BARAK, Yitzhak, Mr., Legal Adviser, Ministry of Labour and Social Affairs.
LIOR, Itzhak, Mr., Deputy Director-General, International Organisations Division, Ministry of Foreign Affairs.
BOUTON, Moshe, Mr., Legal Adviser, Labour and Welfare Committee, Knesset.
MANOR, Uzi, Mr., Director, International Organisations Division, Ministry of Foreign Affairs.
NACHUM, Shaul, Mr., Advisor to the Minister of Labour and Social Affairs.
MALACHI, Rafi, Mr., Advisor to the Minister of Labour and Social Affairs.
KOREN, Gary, Mr., Counsellor, Permanent Mission, Geneva.
IVRI, Aviad, Mr., First Secretary, International Organisations Division, Ministry of Foreign Affairs.
RIMON, Tally, Mrs., Advisor, Permanent Mission, Geneva.
PELEG, Eli, Mr., First Secretary, Permanent Mission, Geneva.
HANOCH, David, Mr., Advisor.

Employers' Delegate

GATTEGNO, Yoseph, Mr., Head, Labour and Human Resources Division, Israel Manufacturers' Association.

Adviser and substitute delegate

HILB, Michael, Mr., Director, Labour Law Department, Israel Manufacturers' Association.

Workers' Delegate

KARA, Yousef, Mr., Member, Histadrut Executive Bureau.

Advisers and substitute delegates

ZILONI, Efraim, Mr., Deputy Chairman, Trade Union Department, Histadrut.
FROHLICH, Michael, Mr., ITSS, ILO and ICFTU Coordinator, International Department, Histadrut.
ZUCKERMAN, Ben-Ami, Mr., Chairman, Board of Directors, Mivtachim Pension Fund.

Advisers

KATZ, Haim, Mr., General Manager, National Union of IAI Employees.
BRONCHTEIN, Ofer, Mr., Director, International Institute Histadrut.

Italie Italy Italia

Ministre assistant à la Conférence

TREU, Tiziano, M., Ministre du Travail.

Personnes accompagnant le Ministre

BALDOCCI, Giuseppe, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
VALCAVI, Domenico, M., Directeur général, Ministère du Travail.
SFARA, Giorgio, M., Ministère des Affaires étrangères.

Délégués gouvernementaux

CAVAGLIERI, Alberto, M., Ambassadeur, Ministère des Affaires étrangères.
ALBERTI, Lucio, M., Directeur général des Relations du Travail, Ministère du Travail.

Conseillers techniques et délégués suppléants

BUONAVITA, Rodolfo, M., Conseiller, Ministère des Affaires étrangères.
CARLA, Daniela, Mme, Dirigeant pour les Problèmes internationaux du Travail, Ministère du Travail.

Conseillers techniques

FERRARI, Concetta, Mme, Ministère du Travail.
ESPOSITO SELI, Margherita Maria Giuseppina, Mme, Ministère du Travail.
POLSINELLI, Franca, Mme, Ministère du Travail.
MARGIOTTA, Rosanna, Mme, Ministère du Travail.
SCHIAVONI, Gerolamo, M., Premier Conseiller, Mission permanente à Genève.
CHIESI, Ambra, Mme, Ministère des Affaires étrangères.

Délégué des employeurs

SASSO MAZZUFFERI, Lucia, Mme, Dirigeant, Bureau des Affaires internationales, Confindustria.

Conseiller technique et délégué suppléant

FONTANA GIUSTI, Giulio, M., Intersind.

Conseillers techniques

FERRARA, Giancarlo, M., Assicredito.
LAURENTI, Massimo, M., ENI.
GUEISSAZ, Pascal, M., ConfCommercio.
PAOLIN, Fabrizio, M., ConfArtigianato.

Autre personne assistant à la Conférence

FLORIO, Giuseppe, M., ConfApi.

Délégué des travailleurs

VANNI, Raffaele, M., UIL.

Conseiller technique et délégué suppléant

CEDRONE, Carmelo, M., UIL.

Conseillers techniques

MAGNANI, Sauro, M., CGIL.
BRIGHI, Cecilia, Mme, CISL.
IULIANO, Giuseppe, M., CISL.
BARBIERI, Giacomo, M., CGIL.

Autre personne assistant à la Conférence

LARIZZA, M.

Jamaïque Jamaica Jamaica

Minister attending the Conference

SIMPSON, Portia, Ms., Minister of Labour, Social Security and Sport.

Government Delegates

HILL, Anthony G.A., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
SMITH, Gresford A., Mr., Chief Director, Industrial Relations and Allied Services, Ministry of Labour, Social Security and Sport.

Advisers and substitute delegates

ADAMS, Donna, Ms., International Labour Organization Desk Officer, Ministry of Labour, Social Security and Sport.
THOMAS, Marcia, Ms., Minister Counsellor, Permanent Mission, Geneva.
PINNOCK, Trevor, Mr., Third Secretary, Permanent Mission, Geneva.
SIMMS, Glenda, Mrs., Director, Bureau of Women's Affairs.

HALL, Franz, Mr., Counsellor, Permanent Mission, Geneva.

Employers' Delegate

ROBERTS, Carl, Mr., President, Employers' Federation.

Workers' Delegate

GOODLEIGH, Lloyd, Mr., General Secretary, Jamaica Confederation of Trade Unions.

Japon Japan Japón

Minister attending the Conference

KOBAYASHI, Koki, Mr., Vice-Minister of Labour.

Persons accompanying the Minister

MATSUI, Kazumi, Mr., Director, Working Hours Division, Minister's Secretariat.
KANEZASHI, Yoshiyuki, Mr., Vice-Minister's Secretary, Minister's Secretariat.
AOYAMA, Keiko, Ms., Vice-Minister's Secretary.
NODA, Yukihiro, Mr., Vice-Ministers' Secretary.
USHIJIMA, Satoshi, Mr., Vice-Ministers' Secretary.

Government Delegates

AKAO, Nobutoshi, Mr., Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mision, Geneva.
HIROMI, Kazuo, Mr., Assistant Minister of Labour, Ministry of Labour.

Advisers and substitute delegates

MINE, Yoshiki, Mr., Minister, Permanent Mission, Geneva.
YOSHIMEN, Mitsuaki, Mr., Ministerial Councillor, Minister's Secretariat, Ministry of Labour.
KOEZUKA, Takashi, Mr., Minister, Permanent Mission, Geneva.
TSUNEKAWA, Kenji, Mr., Counsellor, Permanent Mission, Geneva.
TSUNAKI, Masatoshi, Mr., Counsellor, Permanent Mission, Geneva.
MIYAGAWA, Makio, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

SUZUKI, Junichi, Mr., Director, Employee Organization Division, Bureau of Employee Relations, Secretariat of National Personnel Authority.
HIGASHI, Yoshinobu, Mr., Cabinet Counsellor, Counsellor's Office on External Affairs, Cabinet Secretariat.
HIDA, Naofumi, Mr., Director, Local Public Service Personnel Division, Local Public Service Personnel Department, Local Administration Bureau, Ministry of Home Affairs.
KUWABARA, Takahiro, Mr., Director, Fire Defence Division, Fire and Disaster Management Agency, Ministry of Home Affairs.
IWASAKI, Nobuo, Mr., Director, Labour Legislator Division, Labour Relations Bureau, Ministry of Labour.
TAKAHASHI, Mitsuru, Mr., Director, Administrative Affairs Division, Labour Standards Bureau, Ministry of Labour.
HANATANI, Takuji, Mr., Director, Specialized Agencies' Administration Division, Multilateral Cooperation Department, Ministry of Foreign Affairs.
TAKEZAWA, Masaaki, Mr., Counsellor, Personnel Bureau, Management and Coordination Agency.
MIYATA, Tadashi, Mr., Planning Director, Employment Service Division, Employment Security Bureau, Ministry of Labour.
HAYASHI, Hajime, Mr., First Secretary, Permanent Mission, Geneva.
NAKAHARA, Masahiro, Mr., Deputy Director, International Labour Affairs Division, Ministers' Secretariat, Ministry of Labour.
HAMAGUCHI, Keiichiro, Mr., First Secretary, Mission of Japan, to the European Union.
INOUE, Makoto, Mr., Deputy Director, Private Undertakings of Labour Demand and Supply Office, Employment Security Bureau, Ministry of Labour.
MORI, Akinori, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

TATEISHI, Nobuo, Mr., Vice Chairman, Chairman of International Committee, Federation of Employers' Associations (NIKKEIREN); Chairman and Representative Director, OMRON Cooperation.

Adviser and substitute delegate

SUZUKI, Toshio, Mr., Policy Board Member, NIKKEIREN; Senior Managing Director, Nikkeiren International Cooperation Centre; Member, Governing Body of the ILO.

Advisers

KASAKAWA, Hikaru, Mr., Director, International Division, NIKKEIREN.
MATSUI, Hiroyuki, Mr., Manager, Conditions of Work Labour Legislation Division, NIKKEIREN.
ENDO, Toshiyuki, Mr., Manager, Studies & Research, Economic Research Division, Research & Policy Planning Department, NIKKEIREN.
WAJIMA, Shinobu, Mr., Assistant Manager, Labour Legislation Division, NIKKEIREN.

Workers' Delegate

ITO, Sukesada, Mr., President, RENGO ILO Committee, Counsellor, Japan Trade Union Confederation (JTUC-RENGO).

Advisers

KAIBARA, Naotake, Mr., Member of Executive Committee, Executive Director, International Affairs Department, JTUC-RENGO.

YAMADA, Yoichi, Mr., Counsellor, JTUC-RENGO, Executive Director-General, Japan International Labour Foundation (JILAF).

WATANABE, Kenji, Mr., Director, General Affairs Department, All Japan Postal Labour Union (ZENYUSEI), JTUC-RENGO.

NAKAJIMA, Shigeru, Mr., Executive Member, Director, International Department, All Japan Prefectural and Municipal Worker Union (JICHIRO), JTUC-RENGO.

HISAKAWA, Hirohiko, Mr., Director, Employment Affairs Division, JTUC-RENGO.

IGARASHI, Kiyoshi, Mr., Division Director, Center for Small & Medium Enterprise Workers, JTUC-RENGO.

TANAKA, Mitsuo, Mr., Director of International Policy Division, International Affairs Department, JTUC-RENGO.

ABE, Yozo, Mr., Representative, Rengo Office in Europe, JTUC-RENGO.

NAKAGIRI, Takao, Mr., Chief of the Working Conditions Division, JTUC-RENGO.

YOSHIDA, Shoya, Mr., International Policy Division, International Affairs Department, JTUC-RENGO.

Jordanie Jordan Jordania

Minister attending the Conference

ALKHASAWNEH, Saleh, Mr., Minister of Labour.

Government Delegates

SHAHATIT, Issam, Mr., Director, Labour Inspection Department.

NASSER-AWDEH, Mazen, Mr., Head, International and Arab Relations Service.

Adviser and substitute delegate

MADADHA, Abdullah, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

TARAWNEH, Saleh, Mr., Secretary-General, Ministry of Labour.

ALZOHBI, Ibrahim, Mr., Head, Employment Service, Returnees' Office.

ASSAMADI, Abdel hafez, Mr., Director, Department of Jordanian Workers Abroad.

ALHABACHNEH, Majed, Mr., Director, Department of Development and Training.

NJADA, Abdul-Munem, Mr., First Secretary, Permanent Mission, Gineva.

Employers' Delegate

HABAYBEH, Abdel Nour, Mr., Secretary, Administrative Council, Amman Chamber of Industry.

Advisers

EL HUSSEINI, Amin, Mr., Secretary-General, Jordan Federation of Chambers of Commerce.

AL KHATIB, Walid, Mr., Director-General, Amman Industry Chamber.

KANNO, Akram, Mr., Head of Chamber of Commerce, Ramta.

ALAM, Leen, Ms., Amman Chamber Industry.

KHURAISAT, Mohamed, Mr.

ABDEL-RAHIM, Jamil, Mr.

Workers' Delegate

ALMAAZTEH, Mazen, Mr., Under Secretary-General, Federation of Trade Unions.

Advisers

KHORAISAT, Mohammad, Mr., Assistant Secretary, Cultural Relations Section.

ABDEL-RAHIM, Jamil, Mr., Member, Executive Council of the Federation.

Kazakstan Kazakstan Kazakstán

Government Delegates

PILAT, Tatyana, Mrs., Director, Employment Department, Ministry of Labour and Social Protection.

TLEVLESOVA, Saule A., Mrs., Second Secretary, Permanent Mission, Geneva.

Workers' Delegate

MUKASILEV, Siazbeck, Mr.

Adviser and substitute delegate

DZHAVANOV, Soultanbek, Mr.

Kenya

Minister attending the Conference

MASINDE, Philip John Wanyama, Mr., Minister for Labour and Manpower Development.

Government Delegates

SABARI, Justus Tom Ndege, Mr., Permanent Secretary, Ministry of Labour and Manpower Development.

TOLLE, Esther Mshai, Ms., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

NGARE, Ephraim, Mr., Counsellor, Permanent Mission, Geneva.

OTIENO, Barack Oduor, Mr., Director of Employment, Ministry of Labour and Manpower Development.

Adviser

YIDAH, Joseph Ajanga, Mr., Senior Labour Officer, Ministry of Labour and Manpower Development.

Employers' Delegate

OWUOR, Tom Diju, Mr., Executive Director, Federation of Kenya Employers.

Adviser and substitute delegate

BII, Elljah Arap, Mr., General Manager, Kenya Commercial Bank.

Workers' Delegate

MUGALLA, Joseph Jolly, Mr., Secretary-General, Central Organization of Trade Unions.

Adviser and substitute delegate

MUTHEE, Peter G., Mr., Chairman General, Central Organization of Trade Union.

Kirghizistan Kyrgyzstan Kirguistán

Minister attending the Conference

ABDURECHMENOVA, Asilgul Bariktobasovna, Ms., Minister of Labour and Social Protection.

Government Delegates

MAKEEV, E., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

DSHAKUPOVA, Tscholpov J., Mrs., Chief, Migration Department, Ministry of Labour and Social Protection.

Koweït Kuwait Kuwait

Minister attending the Conference

AL-KULAIB, Ahmed, Mr., Minister of Social Affairs and Labour.

Government Delegates

RAZZOOQI, Dharar, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-ENAIZY, Khaleel, Mr., Assistant Undersecretary of Legal Affairs.

Advisers and substitute delegates

AL'ME'ADADI, Hamad, Mr., Assistant Undersecretary of Labour Affairs.

AL-SHAIKH, Salih, Mr., Director of Capital Governorate Labour Department.

AL-ERAIFI, Waleed, Mr., Director of Labour Coordination Department.

AL-ROUMY, Ali, Mr., Director of Organizing Recruitment Office.

Advisers

MATAR, Khalid, Mr., Assistant Director of Foreign Relations Department.

BILAL, Ali, Mr., Assistant Director of Public Relations Department.

HASAN, Nader, Mr., Assistant Director of Evaluation and Follow up in Ahmadi Governorate Labour Department.

AL-SHA'YA, Sha'ya, Mr., Secretary in Minister's Office.

Employers' Delegate

AL HAROON, Ahmed, Mr., General Director, Chamber of Commerce and Industry.

Advisers and substitute delegates

AL-JASIM, Aqeel, Mr., Assistant General Director, Chamber of Commerce and Industry.

AL-OMAR, Hamad, Mr., Assistant General Director, Chamber of Commerce and Industry.

Workers' Delegate

AL-HUJAILAN, Mohammad, Mr., General Secretary, Trade Union Federation.

Advisers and substitute delegates

AL-MASHMOOM, Hussain, Mr., Member of Executive Council, Trade Union Federation.
AL-ZAID, Mufarreh, Mr., Member of Executive Council, Trade Union Federation.
AL-AZMI, Jabir, Mr., Member of Executive Council, Trade Union Federation.
AL -HAROON, Thabit, Mr., President, Workers' Union.

République dém. populaire du Lao
Lao People's Dem. Rep.
República Dem. Pop. Lao

Ministre assistant à la Conférence

SISOULITH, Thongloun, M., Ministre du Travail et des Affaires sociales.

Délégués gouvernementaux

TANDAVONG, Sisouvanh, M., Directeur adjoint, Ministère du Travail.
VISISOMBAT, Khamphan, M., Consultant.

Délégué des employeurs

BOUTHSIVONGSACK, Onesy, M., Chambre de Commerce et d'Industrie.

Délégué des travailleurs

LUANGVILAY, Vènethong, M., Président, Fédération des Syndicats.

Conseiller technique et délégué suppléant

KHONGPHASIT, Thongkoune, M., Chef, Division de Recherche, Fédération des Syndicats.

Lesotho

Minister attending the Conference

MOLOPO, N.V., Mr., Minister of Labour and Employment..

Government Delegates

MOHAPELOA, M.T., Mr.
MANDORO, L., Mr.

Advisers

LEROTHOLI, K., Ms., Senior Legal Officer, Ministry of Labour and Employment, Senior Legal Officer.
PATS'OANE, F.M., Mrs.

Employers' Delegate

MAKEKA, T., Mr., Executive Director, Association of Lesotho Employers; Substitute Member of ILO Governing Body.

Workers' Delegate

TSUKULU, J.S., Mr.

Lettonie Latvia Letonia

Government Delegates

MARKAROVS, Vladimir, Mr., Minister of Welfare.
DOBRAJA, Dace, Mrs., First Secretary, Permanent Mission, Geneva.

Adviser

BALODE, Alise, Ms., Attaché, Permanent Mission, Geneva.

Employers' Delegate

GAVRILOVS, Vitalijs, Mr., President, Latvian Employers' Confederation.

Adviser and substitute delegate

JEKABSONS, Valdis, Mr., Member, Board of the Latvian Employers' Confederation.

Workers' Delegate

OLMANIS, Agris, Mr., Head, United Latvian Trade Unions.

Adviser and substitute delegate

GAVRILOVA, Lidija, Mrs., Head, United Latvian Metal Workers' Union.

Adviser

BALYENS, Egils, Mr., Deputy, Latvian Railway Union.

Liban Lebanon Líbano

Délégués gouvernementaux

EL KHAZEN, Amine, M., Ambassadeur, Représentant permanent à Genève.
AOUN, Samir, M., Conseiller du Ministre du Travail.

Conseillers techniques et délégués suppléants

GHORAEB, William, M., Chef du Département du Travail et des Relations professionnelles, Ministère du Travail.
SAAB, May, Mme, Chef de la Section des Relations extérieures, Ministère du Travail.

Conseillers techniques

SOUEID, Maarouf, M., Conseiller du Ministre du Travail pour les affaires des organisations de travail.
ABOU HAMAD, Marlène, Mme, Experte au Ministère du Travail.
MASSAD, Michel, M., Expert au Ministère du Travail.
MOALLEM, Ghassan, M., Premier Secrétaire, Mission permanente à Genève.
SALIBA, Ratib, M., Directeur général, Ministère du Travail.
BALBOUL, Assaad, M., Conseiller.
ZALGHOUT, Husein, M., Conseiller de presse.
ABASS, Farhat, M.

Délégué des employeurs

BEYDOUN, Rachid, M.

Conseiller technique et délégué suppléant

BALBOUL, Fouad, M.

Conseillers techniques

HAMADEH, Said, M., Conseiller.
KANAAN, Fouad, M., Conseiller.
AL MOUSSAOUI, Hassan Mohamed Ali, M.

Délégué des travailleurs

ALZOGHBY, Ghoneim, M.

Conseillers techniques

BECHARA, Antoine, M.
SAKR, Saad Eldine Homeidi, M.
ISSA, Mohamed, M.
HARB, Georges, M.
AWADAH, Ibrahim, M.
RAYDAN, Issam Saïd, M.

Jamahiriya arabe libyenne
Libyan Arab Jamahiriya
Jamahiriya Arabe Libia

Government Delegates

DERBI, Abdelhafed, Mr., Under-Secretary, General Committee of Labour Force.
SENUSSI, Ramadan, Mr., General Committee of Labour Force.

Advisers and substitute delegates

FADAL ASSI, M. Walda, Mr., Director of Employment.
IDRESS, Mohamed Millad, Mr., Director, Technical Cooperation Department.
LAABANI, Mohamed, Mr., General Committee of Labour Force.

Advisers

EL HASSI, Ashral, Mr., General Committee of Labour Force.
EL SHAK SHUKI, Mohamed Abdelati, Mr., General People's Committee of Foreign Liaisons and Inter Cooperation.
BENSHABAN, Taher, Mr., Conseller, Permanent Mission, Geneva.

Employers' Delegate

NAHAIS, Zoussef Ahmed, Mr.

Adviser and substitute delegate

KWAIRY, Abdalla, Mr.

Workers' Delegate

IBRAHIM, Abdalla Idris, Mr.

Advisers and substitute delegates

EZLEITNI, Mahmoud M., Mr.
OSMAN, Ajili Husein, Mr.

Adviser

NAILI, Salem Mukhtar., Mr.

Lituanie Lithuania Lituania

Minister attending the Conference

DEGUTIENE, Irena, Mrs., Minister of Social Security and Labour.

Government Delegates

NAVIKAS, Audrius, Mr., Chargé d'Affaires a.i., Permanent Mission, Geneva.
KAIRELIS, Rimantas, Mr., Vice-Minister, Ministry of Social Securtiy and Labour.

Adviser and substitute delegate

MACKONYTE, Rita, Ms., Head of European Integration Division, Ministry of Social Security and Labour.

Employers' Delegate

VIESULAS, Jonas, Mr., President, Entrepreneurs Employers Confederation.

Workers' Delegate

BALSIENE, Aldona, Mrs., President, Workers' Union.

Luxembourg Luxembourg Luxemburgo

Ministres assistant à la Conférence

JUNCKER, Jean-Claude, M., Premier Ministre, Ministre d'Etat, Ministre des Finances, Ministre du Travail et de l'Emploi.

DELVAUX-STEHRES, Mady, Mme, Ministre de la Sécurité sociale, Ministre des Transports, Ministre des Communications.

Délégués gouvernementaux

REUTER, Jacques, M., Ambassadeur, Représentant Permanent, Mission permanente à Genève.

ZAHLEN, Jean, M., Conseiller de Gouvernement 1ère classe, Ministère du Travail et de l'Emploi.

Conseillers techniques et délégués suppléants

MOUSEL, Jean-Marie, M., Directeur, Administration de l'Emploi.

WEBER, Paul, M., Directeur, Inspection du Travail et des Mines.

HOFFMAN, Jean, M., Conseiller économique 1ère classe, Administration de l'Emploi.

Conseillers techniques

DUHR, Paul, M., Représentant permanent adjoint, Mission permanente à Genève.

SCHOLTUS, Mariette, Mlle, Conseiller de direction, Inspection du Travail et des Mines.

FABER, Joseph, M., Conseiller de direction adjoint, Ministère du Travail et de l'Emploi.

FISCH, Maryse, Mme, Attaché d'administration, Ministère du Travail et de l'Emploi.

SCHLOESSER, Pierre, M., Attaché de direction stagiaire, Administration de l'Emploi.

DORNSEIFFER, Erny, M., Inspecteur principal 1er en rang, Ministère du Travail et de l'Emploi.

TUNSCH, Gary, M., Inspecteur principal, Ministère du Travail et de l'Emploi.

WEBER, Alain, M., Attaché, Mission permanente à Genève.

MAJERES, André, M., Chargé de mission, Mission permanente à Genève.

Délégué des employeurs

JUNG, Lucien, M., Directeur honoraire, Fédération des Industriels luxembourgeois.

Conseiller technique et délégué suppléant

SAUBER, Marcel, M., Secrétaire général, Fédération des Artisans.

Conseillers techniques

GEISEN, Norbert, M., Président, Fédération des Artisans.

BAUMANN, Emmanuel, M., Secrétaire général, Fédération des Industriels luxembourgeois.

BEFFORT, Romain, M., Conseiller social, édération des Industriels luxembourgeois.

SCHMIT, Romain, M., Conseiller de Direction, Fédération des Artisans.

Délégué des travailleurs

WEBER, Robert, M., Président, Confédération luxembourgeoise des Syndicats chrétiens.

Conseiller technique et délégué suppléant

PIZZAFERRI, René, M., Comité exécutif, Confédération générale du Travail.

Conseillers techniques

BAUSCH, Eugène, M., Comité national, Confédération générale du Travail.

KONZ, Josy, M., Premier Vice-Président, Confédération générale du Travail.

MERTEN, René, M., Président, Fédération des Employés privés/Fédération indépendante des Travailleurs et Cadres.

LAUER, Lucien, M., Membre du Comité, Directeur , Fédération des Employés privés/Fédération indépendante des Travailleurs et Cadres.

GOERGEN, Vivienne, Mme, Secrétaire syndicale, Confédération luxembourgeoise des Syndicats Chrétiens.

DALEIDEN, Jos, M., Secrétaire Général, Confédération générale de la Fonction publique.

TRAUSCH, Pierre, M., Premier Vice-président, Confédération générale de la Fonction Publique.

Madagascar

Ministre assistant à la Conférence

RATOVONELINJAFY, Abel Désiré, M., Ministre de la Fonction publique, du Travail et des Lois sociales.

Délégués gouvernementaux

RAVALOSON, Jaona, M., Ambassadeur, Réprésentant permanent, Mission permanente à Genève.
RAKOTONIAINA, Faralalao, Mme, Représentant permanent adjoint, Mission permanente à Genève.

Conseillers techniques et délégués suppléants

RAZAFIMBELO, Toussaint, M., Directeur général du Travail.
EDAFE, Phabien, M., Conseiller d'Ambassade.
KORAICHE, Allaouidine, M., Attaché d'Ambassade.

Conseiller technique

RABEMANANTSOA, Pierrot, M., Directeur général, CNAPS.

Délégué des employeurs

ANDRIATSITOHAINA, Charles, M.

Délégué des travailleurs

RAMANARIVO, Jeannot, M.

Malaisie Malaysia Malasia

Minister attending the Conference

DATO' LIM, Ah Lek, Mr., Minister of Human Resources.

Person accompanying the Minister

HAMIDON, Ali, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Government Delegates

ANUAR, Ab. Latif, Mr., Deputy Secretary General, Ministry of Human Resources.
TENGKU DATO OMAR, Bin Tengku Bot, Mr., Director General of Labour, Ministry of Human Resources.

Advisers and substitute delegates

TAN, Seng Sung, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
AHMAD, B. Suratman, Mr., Registrar, Industrial Court.

Advisers

MUNUSAMY, P., Mr., Principal Assistant Secretary, International Division, Ministry of Human Resources.
AZLAN, Yusof, Mr., Counsellor (Labour Affairs), Permanent Mission, Geneva.
JAYASIRI, J., Mr., Counsellor (Economic Affairs), Permanent Mission, Geneva.
JAZRI, Ahmad Mohd. Johar, Mr., First Secretary, Permanent Mission, Geneva.
ROSTAM, A. Salleh, Mr., First Secretary, Permanent Mission, Geneva.
KAMIL, Mohd. Ab. Ghani, Mr., Third Secretary, Permanent Mission, Geneva.
NAZARI, B. Mat Zain, Mr., Assistant Secretary, Ministry of Human Resources.

Employers' Delegate

ZARINAH, Bte Anwar, Mrs., Vice President, Malaysian Employers' Federation.

Adviser and substitute delegate

ZAIN, Mohamed Majid, Mr., Executive Director, Malaysian Employers' Federation.

Adviser

SHAMSUDDIN, Bardan, Mr., Deputy Executive Director, Malaysian Employers' Federation.

Workers' Delegate

ZAINAL, Rampak, Mr., President, Malaysian Trades Union Congress.

Adviser and substitute delegate

SANMUGAM, K., Mr., Vice President, Malaysian Trades Union Congress.

Advisers

MOHAMAD, Mat Jid, Mr., President, Congress of Unions of Employees in the Public and Civil Services.
YUSOP, Mohamad B. Harmain Shah, Mr., Representative of Malaysian Trades Union Congress.

Malawi

Minister attending the Conference

BANDA, Pat, Mr., Deputy Minister of Labour and Manpower Development.

Government Delegates

CHINYAMA, F.B., Mr., Senior Deputy Secretary for Labour and Manpower.
KAMINYOGE, Y., Mr., Chief Inspector of Factories.

Advisers

NG'OMA, S.H., Mr., Workers' Compensation Commissioner.
NGULUBE, C.J., Mr., Senior Labour Officer.

Employers' Delegate

DAMBULENI, W.L., Mr., Executive Director, Employers' Consultative Association (ECAM).

Workers' Delegate

MHANGO, Ken Williams F., Mr., President, Malawi Congress of Trade Unions (MCTU).

Mali

Ministre assistant à la Conférence

DIARRA, Boubacar Gaoussou, M., Ministre de l'Emploi, de la Fonction publique et du Travail.

Délégués gouvernementaux

DIAKITE, Mahamadou, M., Conseiller Technique, Ministère de l'Emploi, de la Fonction publique et du Travail.

MAHAMANE, Baba Samba, M., Directeur National de l'Emploi, du Travail et de la Sécurité sociale.

Conseillers techniques et délégués suppléants

DIAKITE, Mamadou, M., Directeur général, Institut national de Prévoyance sociale.

SISSOKO, Mamadou, M., Directeur général, Office national de la Main d'Oeuvre et de l'Emploi.

Délégué des employeurs

COULIBALY, Moussa Balla, M., Président, Fédération nationale des Employeurs.

Conseiller technique et délégué suppléant

TRAORE, Lassina, M., Secrétaire permanent, Fédération nationale des Employeurs.

Malte Malta Malta

Minister attending the Conference

GRECH, Edwin S., Mr., Minister for Social Welfare.

Government Delegates

CILIA DEBONO, Emanuel, Mr., Director of Labour.

GALEA, Francis, Mr., Senior Principal Officer, Ministry for Social Welfare.

Advisers and substitute delegates

BARTOLO, Michael, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AQUILINA, Jacqueline, Ms., First Secretary, Permanent Mission, Geneva.

BONNICI, Anthony, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

MALLIA MILANES, Alfred, Mr., International Secretary, Malta Employers' Association.

Adviser and substitute delegate

SCICLUNA, John, Mr., Administration Manager, Malta Federation of Industry.

Advisers

SULLIVAN, John E., Mr., President, Malta Employers' Association.

SCICLUNA, Victor, Mr., Deputy President, Malta Employers' Association.

Person accompanying the Minister

CAMILLERI, Carmen, Ms., Private Secretary to the Minister.

Workers' Delegate

ZARB, Tony, Mr., Deputy Secretary General, General Workers' Union.

Advisers and substitute delegates

CALAMATTA, Jack, Mr., Secretary General, General Workers' Union.

ABELA, George, Mr., Legal Adviser, General Workers' Union.

BUHAGIAR, Alfred, Mr., President, Confederation of Malta Trade Unions.

AGIUS, Maurice, Mr., Vice-President, Confederation of Malta Trade Unions.

Maroc Morocco Marruecos

Ministre assistant à la Conférence

DEMNATI, Amine, M., Ministre de l'Emploi et des Affaires sociales.

Personne accompagnant le Ministre

EL OUASSINI, Ramadane, M., Secrétaire général, Ministère de l'Emploi et des Affaires sociales.

Délégués gouvernementaux

BENJELLOUN-TOUIMI, Nacer, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

BELOUED, Abdelmajid, M., Conseiller du Ministre, Ministère de l'Emploi et des Affaires sociales.

Conseillers techniques et délégués suppléants

AGUIDA, Driss, M., Directeur du Cabinet du Ministre de l'Emploi et des Affaires sociales.
BAALAL, Mohammed, M., Chef, Service des Organismes internationaux et régionaux, Ministère de l'Emploi et des Affaires sociales.

Conseillers techniques

LAGHRIFI, Abderrahman, M., Chef, Service de la Réglementation , Ministère de l'Emploi et des Affaires sociales.
AOMARI, Bouchaib, M., Chef de Service des Etudes, Ministère de l'Emploi et des Affaires sociales.
ABOUTAHIR, My Lahcen, M., Conseiller, Mission permanente à Genève.
ALLOUCH, Abdelkader, M., Secrétaire des Affaires étrangères, Mission permanente à Genève.
HAMDI, Samir, M., Inspecteur du Travail et de la Prévoyance sociale, Ministère de l'Emploi et des Affaires sociales.

Délégué des employeurs

ABOU ABDELLAH, Ahmed, M., Secrétaire général, Fédération des Chambres de commerce et d'industrie (FCCI).

Conseillers techniques

EL HARRAS, Mohamed Larbi, M., Directeur, FCCI.
BELARBI, Mohamed Abdelkader, M., Confédération générale des entreprises marocaines (CGEM)
EL MRABET, Ahmed, M., FCCI.
BOULOUIZ, Allal, M., FCCI.
TOUIL, Mustapha, M., FCCI.
MEJBAR, Saidi, M., FCCI.
CHATTATA, Aabdessadek, M., FCCI
SLISLI, Rachid, M., FCCI.

Délégué des travailleurs

BEN SEDDIK, Mahjoub, M., Secrétaire général, Union marocaine du Travail (UMT).

Conseillers techniques

AMOAUI, Noubir, M., Secrètaire général, Confédération Démocratique du Travail (CDT).
AFILAL, Abderrazak, M., Secrétaire général, Union générale des Travailleurs du Maroc (UGTM).
EL MOKHAREK, El Miloudi, M., UMT.
CHAHIR, Mohamed Farouk, M., UMT.
BOUZIA, Mohamed, M., CDT.
ELGHARBAOUI, Ahmed, M., UMT.
CHERRAT, Mohamed Kafi, M., UGTM.
IOUI, Abdelaaziz, M., CDT.
KABBAJ, Mohamed Larbi, M., UGMT.

Maurice Mauritius Mauricio

Minister attending the Conference

OBEEGADOO, Louis Steven, Mr., Minister of Labour and Industrial Relations.

Person accompanying the Minister

BAICHOO, Dhurmahdass, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Government Delegates

GARIA, Moortooja, Mr., Permanent Secretary, Ministry of Labour and Industrial Relations.
BOLAKY, Cassam, Mr., Chief Labour Officer, Ministry of Labour and Industrial Relations.

Advisers and substitute delegates

DWARKA-CANABADY, Usha Chandnee, Mrs., Minister Counsellor, Permanent Mission, Geneva.
SIVARAMEN PALAYATHAN, Mr., Counsellor (Trade), Permanent Mission, Geneva.
LAM CHIOU YEE, Ah Yao, Mr., First Secretary, Permanent Mission, Geneva.
MUNISAMY, Renganaden, Mr., Attaché, Permanent Mission Geneva.

Employers' Delegate

JEETUN, Azad, Mr., Director, Employer's Federation.

Workers' Delegate

LUCHMUN ROY, Nurdeo, Mr., President, Labour Congress.

Adviser and substitute delegate

CHUTTOO, Reaz, Mr., Representative of Inter-Syndicate.

Mauritanie Mauritania Mauritania

Ministre assistant à la Conférence

OULD SIDI, Baba, M., Ministre de la Fonction publique, du Travail, de la Jeunesse et des Sports.

Délégués gouvernementaux

OULD CHEIKHNA, Khaled, M., Directeur du Travail.

OULD JILANI, Ahmeda, M., Directeur de la Caisse nationale de Sécurité sociale.

Conseiller technique et délégué suppléant

OULD MOHAMED EL VETH, Baba, M., Inspecteur du Travail.

Délégué des employeurs

OULD MOCTAR EL HASSEN, Cheikh, M., Secrétaire général, CGEM.

Délégué des travailleurs

OULD BRAHIM DIT DINA, Mohamed Ely, M., Secrétaire général, Union des Travailleurs de Mauritanie (UTM).

Conseiller technique et délégué suppléant

OULD ABDALLAHI DIT NAHAH, Mohamed, M., Secrétaire général, Confédération générale des travailleurs de Mauritanie (CGTM).

Mexique Mexico México

Ministro asistente a la Conferencia

BONILLA GARCÍA, Javier, Sr., Secretario del Trabajo y Previsión Social.

Personas que acompañan al Ministro

REYES PRUNEDA, Pablo, Sr., Subsecretario B, Secretaría del Trabajo y Previsión Social.

FRANCO HIJUELOS, Claudia, Sra., Coordinadora General de Asuntos Internacionales, Secretaría del Trabajo y Previsión Social.

Delegados gubernamentales

DE ICAZA, Antonio, Sr., Embajador, Representante Permanente, Permanente Misión en Ginebra.

JOUBLANC, Luciano, Sr., Embajador, Representante Permanente Alterno, Permanente Misión en Ginebra.

Consejeros técnicos y delegados suplentes

LABARDINI, Rodrigo, Sr., Director General, Política Laboral Internacional del Trabajo, Secretaría del Trabajo y Previsión Social.

DIAZ-INFANTE MÉNDEZ, Sergio, Sr., Director para la Organizacion Internacional del Trabajo, Secretariá del Trabajo y Previsión Social.

SOSA MÁRQUEZ, Lourdes, Sr., Tercer Secretaria, Misión Permanente en Ginebra.

Consejero técnico

SANCHEZ HERNANDEZ, José Luis, Sr., Jefe, Departamento para la OIT, Dirección General para el Sistema de las Naciones Unidas, Secretaría de Relaciones Exteriores.

Delegado de los empleadores

CARVAJAL BUSTAMANTE, Octavio, Sr., Presidente de la Comisión del Trabajo y Previsión Social de la CONCAMIN.

Consejeros técnicos

GUTIÉRREZ GARCÍA, Reynold, Sr., Director de Relaciones Laborales de Grupo CYDSA, SA de CV.

MACÍAS SANTOS, Eduardo, Sr., Director Jurídico Laboral de Vitro Corporativo SA de CV.

CABRERA VAZQUEZ, Pedro, Sr., Director Corporativo de Recursos Humanos, Servicio Panamericano de Protección, SA de CV.

MENDOZA DELGADO, José Enrique, Sr., Director Corporativo de Recursos Humanos de Grupo Peñoles, SA de CV.

DÍAZ GUAJARDO, Amado R., Sr., Asesor Jurídico de Cámara de Transformación del Estado de Nuevo León.

EROSA, José Luis, Sr., Director Jurídico de la Cámara Nacional de la Industria de Radio y Televisión.

CAMPUZANO, Guillermo, Sr., Miembro de la Comisión de Relaciones Laborales de COPARMEX.

SOTO PRIANTE, Sergio, Sr., Director de Relaciones Internacionales de COPARMEX.

BUCHANAN ESPINOZA, Carlos, Sr., Vicepresidente de la Comisión Laboral de COPARMEX.

Delegado de los trabajadores

SÁNCHEZ MADARIAGA, Alfonso, Sr., Secretario de Relaciones, Comité Nacional, CTM.

Consejeros técnicos

CALLEJA GARCÍA, Juan Moisés, Sr., Asesor Jurídico, CTM.

VEGA, Netzahualcoyotl de la, Sr., Secretario de Asuntos Económicos, CTM.

SAN ROMÁN ARREAGA, Héctor, Sr., Subsecretario de Relaciones, CTM.

ESPONDA ZEBADUA, Gonzalo, Sr., Asesor General, Sindicato de la Industria Química.

RAMOS RODRÍGUEZ, Enrique, Sr., Secretario General, Sindicato de Trabajadores de la Industria Azucarera.

République de Moldova
Republic of Moldova
República de Moldova

Délégués gouvernementaux

NIDELCU, Dumitru, M., Ministre du travail, de la Protection sociale et de la Famille.
BOGDAN, Lilia, Mme, Conseiller d'Etat, Chancellerie.

Conseiller technique et délégué suppléant

DEMERJI, Ilie, Mr., Conseiller, Traducteur.

Conseiller technique

SOLOMAHA, Petru, M., Secrétaire, Commission républicaine tripartite pour les négociations collectives.

Délégué des employeurs

CERESCU, Leonid, M., President, Confédération national des Patronages.

Conseiller technique et délégué suppléant

AXENTI, Adrian, M., Directeur, Confédération du Patronat.

Délégué des travailleurs

GODONOGA, Ion, M., Président,, Fédération générale des Syndicats.

Conseiller technique et délégué suppléant

ZGHIBARTA, Nina, Mme, Chef du Département, Fédération des Syndicats.

Mongolie Mongolia Mongolia

Government Delegates

BOLD, Sukh-Ochir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
BYAMBAA, Dorjhand, Mr., Director, Labour Department, Ministry of Health and Social Welfare.

Advisers

GANBAATAR, Dogsom, Mr., First Secretary, Permanent Mission, Geneva.
PAGMA, Genden, Mrs., Officer, Labour Department, Ministry of Health and Social Welfare.

Employers' Delegate

JANTSAN, Dagdan, Mr., Vice-President, Employers' Association.

Adviser and substitute delegate

TUGSCHIMEG, Sanchir, Ms., Officer, Employers' Association.

Workers' Delegate

ADIYA, Gorchinsuren, Mr., President, Confederation of Trade Unions.

Adviser and substitute delegate

SUKHBAATAR, Zalmaa, Mr., Assistant to President, Confederation of Trade Unions.

Mozambique

Minister attending the Conference

MAVILA, Guilherme Luis, Mr., Minister of Labour.

Government Delegates

LUIS FRANCISCO, Maria Noemia, Mrs.
MARIA DIAS, Alcino Henriques, Mr.

Advisers and substitute delegates

CUMBANA, Suzete Ana, Mrs.
ZAQUEU JAMICE, Alberto, Mr.

Employers' Delegate

DO CARMO MUSSANHANE, Egas Moniz Maria, Mr.

Workers' Delegate

MANJAZE, Pedro Joaquim, Mr.

Myanmar

Minister attending the Conference

LWIN, Saw, Mr., Minister for Labour.

Government Delegates

AYE, U., Mr., Permanent Representative, Permanent Mission, Geneva.
SHWE, Tun, Mr., Director-General, Department of Labour.

Advisers and substitute delegates

ABEL, Danzel, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

MYAING, Lin, Mr., Counsellor, Permanent Mission, Geneva.

TIN, Kyaw, Mr., First Secretary, Permanent Mission, Geneva.

KYAW AYE, U., Mr., Director- General, Office of the Attorney General.

Advisers

OHN, Tun, Mr., Second Secretary, Permanent Mission, Geneva.

KYU, Aung Ba, Mr., Second Secretary, Permanent Mission, Geneva.

LIN, Htin, Mr., Third Secretary, Permanent Mission, Geneva.

TSAN, L. Nang, Mrs., Third Secretary, Permanent Mission, Geneva.

YEE, Khin Maung, Mr., Director, Department of Labour.

NGWE, Aye, Mr., Assistant Director, Department of Labour.

SWE, Nyi Nyi, Mr., Personal Staff Officer, Ministry of Labour.

Employers' Delegate

WIN, Zaw Min, Mr., Joint General Secretary, Union of Myanmar Chamber of Commerce and Industry.

Workers' Delegate

MIN, Hla, Mr., Oilfields ans Worksites Supervisor, Myanmar Oil and Gas Entreprise.

Namibie Namibia Namibia

Minister attending the Conference

SHAETONHODI, J.M., Mr., Deputy Minister of Labour.

Government Delegates

DAX, U.B., Mr., Deputy Permanent Secretary, Ministry of Labour.

SHINGUADJA, B.M., Mr., Labour Commissioner.

Advisers and substitute delegates

RUKAMBA, B.R., Mr., Deputy Director, Employment Services, Ministry of Labour.

NDAITWA, P.K., Mr., Deputy Director, General Services, Ministry of Labour.

MULONGENI, V.P., Ms., Director of Labour, Ministry of Labour.

NGHIYOONANYE, G.T.M., Ms., Deputy Director, International Relations, Ministry of Labour.

Advisers

ESAU, B., Mr., Member of Parliament.

DE WAAL, J., Mr., Member of Parliament.

HENDJALA, E, Mr., Member of the National Council.

Employers' Delegate

HILL, M., Mr., Executive Board Member, Namibian Employers' Federation (NEF).

Adviser and substitute delegate

SHIKANGALAH, S., Mr., Executive Board Member, NEF.

Workers' Delegate

HAIKALI, C.R., Mr., Acting Secretary-General, National Union of Namibian Workers (NUNW).

Adviser and substitute delegate

MUHEUA, A.V., Mr., Second Vice President, NUNW.

Nepal

Minister attending the Conference

NEUPANE, Mukunda, Mr., Minister of Labour.

Government Delegates

BAHADUR CHAND, Karna, Mr., Secretary, Ministry of Labour.

SIMKHADA, Shambhu Ram, Mr., Chargé d'affairs a.i., Permanent Mission, Geneva.

Adviser

KATTEL, Shanker Prashed, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

RANA, Anoop S.J.B., Mr., President, Employers' Council, Federation of Nepalese Chamber of Commerce and Industrz.

Workers' Delegate

RIMAL, Bishnu, Mr., General Secretary, General Federation of Nepalese Trade Unions.

Nicaragua

Ministro asistente a la Conferencia

NAVARRO MOREIRA, Wilfredo, Sr., Ministro del Trabajo.

Delegados gubernamentales

MORENO, Roberto, Sr., Viceministro del Trabajo.

MONTENEGRO MALLONA, Alvaro, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejero técnico y delegado suplente

ALEMAN LACAYO, Augustin, Sr., Asesor del Ministro del Trabajo.

Consejero técnico

MAYORGA CARCAMO, Janira, Sra., Directora de RR.II. y Cooperación Técnica.

Delegado de los empleadores

ROMERO MOLINA, Carlos, Sr., Presidente de Confederación Nacional de Profesionales (CONAPRO).

Delegado de los trabajadores

MARTINEZ SAAVEDRA, Carlos, Sr., Dirigente de la CUS.

Consejero técnico

LEZAMA CASTILLO, Leonardo, Sr.

Niger

Ministre assistant à la Conférence

GADO, Seini Ali, M., Ministre de la Fonction publique, du Travail et de l'Emploi.

Délégués gouvernementaux

MAINA, Kochi Chegou, M., Secrétaire général adjoint du Ministère de la Fonction publique, du Travail et de l'Emploi.

MAMADOU, Baba Omar, M., Directeur du Travail et de la Sécurité sociale, Ministère de la Fonction publique, du Travail et de l'Emploi.

Conseiller technique et délégué suppléant

SEINI, Issa, M., Chef de la Division relations internationales, Ministère de la Fonction publique, du Travail et de l'Emploi.

Conseillers techniques

GAOURI, Ousmane, M., Directeur général, Caisse nationale de Sécurité sociale.

BARINGAYE, Akilou Ahmed, M., Conseiller juridique, Caisse nationale de Sécurité sociale.

Délégué des employeurs

SABO, Issoufou, M., Président de la Commission sociale du Syndicat patronal des Entreprises et Industries, (SPEIN).

Conseiller technique et délégué suppléant

SALEY, Seybou, M., Représentant du Syndicat national des petites et moyennes entreprises (SYNAPEMEIN).

Délégué des travailleurs

MAYAKI, Ibrahim, M., Secrétaire général, Union des Syndicats des Travailleurs du Niger (USTN).

Conseiller technique et délégué suppléant

BOUBACRINE, Alassane, M., Secrétaire adjoint aux Relations extérieures, USTN.

Conseiller technique

HADJI DADDO, Mahaman Mansour, M.

Nigeria

Minister attending the Conference

AHMED, Uba, Mr., Minister for Labour and Productivity.

Persons accompanying the Minister

KWAGA, Titsi, Mr., Special Assistant.

GALADIMA, A.J., Mr., Special Assistant.

YAWALE, M.I., Mr., Personal Assistant.

Government Delegates

NWOKEDI, S.C., Mr., Director-General, Federal Ministry of Labour and Productivity.

HENRY, P.E., Mr., Director, trade Union Services and Industrial Relations.

Advisers and substitute delegates

ABUAH, Ejoh, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
BONKAT, B., Mr., Director (Employment).

Advisers

FASEHUN, Orobola, Mr., Minister, Permanent Mission, Geneva.
AHMAD, Alhaji Abdullah S., Mr., Labour Representative, Permanent Mission, Geneva.
USMAN USMAN, Alhaji, Mr., Assistant Director.
ATSENOKHAI, D., Mr., Assistant Director (Employment).
OSAGIE, O. Omo, Ms., Legal Adviser.
AJI, M. Abba, Mr., Managing Director (NSITF).
GANA, Alhaji Zanna M., Mr., Executive Director (NSITF).
ZANNA, Baba Gana, Mr., Director-General (NDE).
OKPANACHI, Sunday, Mr., Director (NDE).
GHIDE, A.S., Mr., Director (NPC).
UMEH, P.O.C., Mr., Deputy Director (NPC).
UDOH, E.A., Mr., Senior Labour Officer.
OLUYOLE, T.O., Mr., Minister-Counsellor, Permanent Mission, Geneva.

[illegible]

IMOISILI, I.C., Mr., Director-General (NECA).

Advisers

OLANIYI, E.O., Mr., NECA.
AMAECHI, P.O., Mr., NECA.
KYARI, Alhaji Abba, Mr., NECA.
OSHINOWO, O.A., Mr., NECA.
KORGBA, G.T., Mr., NECA.

Workers' Delegate

AGBAZUERE, A. C. B., Mr.

Adviser and substitute delegate

KAYODE, Bisi, Mr.

Advisers

SHU'AIBU, Ibrahim, Mr.
KALLA, Mallam Datti M., Mr.
DAMULAK, L. D., Mr.
WOKE, Godwin, Mr.

Norvège Norway Noruega

Minister attending the Conference

OPSETH, KJELL, Mr., Minister of Local Government and Labour.

Persons accompanying the Minister

HAETTA, Barbro Lill, Ms., Political Adviser, Ministry of Local Government and Labour.
SAND, Ulf, Mr., Secretary General, Ministry of Local Government and Labour.
FARSTAD, May Bente, Ms., Secretary, Ministry of Local Government and Labour.
HANSEN, Erling, Mr., Head of Information, Ministry of Local Government and Labour.
NORDAAS, Ragnhild, Ms., Deputy Director General, Ministry of Local Government and Labour.
DUNFJELD, Leif, Mr., Head of Division, Ministry of Local Government and Labour.

Government Delegates

VIDNES, Oyvind, Mr., Deputy Director General, Ministry of Local Government and Labour.
BRUAAS, Odd, Mr., Adviser, Ministry of Local Government and Labour.

Adviser and substitute delegate

SKOGMO, Bjorn, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

HAVIE, Helge, Mr., Deputy Director General, Ministry of Local Government and Labour.
MYHRVOLD, Kjetil, Mr., Adviser, Ministry of Local Government and Labour.
GAMMELSAETER, Elisabeth, Ms., Adviser, Ministry of Trade and Industry.
LUNDEMO, Merete, Ms., Secretary of Embassy, Permanent Mission, Geneva.
VESTERAS, Beate, Ms., Senior Executive Officer, Ministry of Local Government and Labour.

Employers' Delegate

HOFF, Erik, Mr., Director, Confederation of Norwegian Business and Industry (NHO), Member, Governing Body of the ILO.

Adviser and substitute delegate

KAADA, Tor, Mr., Director, Elf Petroleum Norge A/S.

Advisers

MAGNUSSEN, Olav, Mr., Director.
AURE, Arne, Mr., Assistant Director.
BARDSEN, Merete, Mrs., Lawyer.
RIDDERVOLD, Toril, Mrs., Coordinator.
JOHANSEN, Ingrid, Ms., Director.
TENDEN, Lasse, Mr., Regional Head.

Workers' Delegate

BUVERUD PEDERSEN, Evy, Mrs., National Elected Secretary, Norwegian Confederation of Trade Unions (LO-Norway).

Adviser and substitute delegate

THEODORSEN, Karin Beate, Mrs., Deputy International Secretary.

Advisers

AASNES, Ingeborg, Mrs., International Secretary.
FOSS, Cecilie, Mrs., Economist.
HANSEN, Erlend, Mr., Economist.
HANSTEEN, Christopher, Mr., Attorney-at-Law.
KARLSEN, Steinar, Mr., 2nd Vice-President.
KOLSTAD, Ellinor, Mr., Programme Director, Nowegian Confederation of Trade Unions.

Other persons attending the Conference

GUDMUNDSETH, Roger, Mr., Member of Parliament.
LANKE, Ola T., Mr., Member of Parliament.
HAAKONSEN, Hilde, Ms., United Nations Association of Norway.

Nouvelle-Zélande New Zealand Nueva Zelandia

Minister attending the Conference

BRADFORD, Max, Mr., Minister of Labour.

Person accompanying the Minister

GAVAN, Barbara, Ms., Senior Private Secretary.

Government Delegates

CHETWIN, John, Mr., Secretary of Labour, Department of Labour.
STOCKDILL, Ralph, Mr., General Manager, Industrial Relations Service, Department of Labour.

Advisers and substitute delegates

ARMSTRONG, Wade, Mr., Permanent Representative, Permanent Mission, Geneva.
GOODMAN, Lisa, Ms., International Liaison Officer, Department of Labour.

Adviser

WILSON, Elizabeth, Ms., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

MARSHALL, Steve, Mr., Chief Executive, New Zealand's Employers' Federation.

Adviser and substitute delegate

KNOWLES, Ann, Ms., Deputy Chief Executive, New Zealand Employers' Federation.

Workers' Delegate

WILSON, Ross, Mr., Vice-President, New Zealand Council of Trade Unions.

Adviser and substitute delegate

FENTON, Darien, Ms., National Executive Member, New Zealand Council of Trade Unions.

Oman

Minister attending the Conference

AL-BUSAIDI, Sayyid Hamad bin Hilal, Mr., Undersecretary of the Ministry of Social Affairs and Labour for Labour Affairs.

Person accompanying the Minister

AIDEED, Mohammed Omar Ahmed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Government Delegates

KOFAN, Mohamed Mubarak, Mr., General Director, Ministry of Social Affairs and Labour.
ELYEHIAEY, Homoud bin Ahmed, Mr., Vice General Director, Ministry of Social Affairs and Labour.

Advisers and substitute delegates

EL AMRY, Saleh bin Khamis, Mr., Director of Local Employment, Ministry of Social Affairs and Labour.
EL SHIBLY, Rashed bin Saeed, Mr., Director, Office of the Undersecretary for Labour Affairs.

Advisers

AL-MA'ANI, Humaid, Mr., First Secretary.
AL GAZALI, Hashim, Mr., First Secretary.

Employers' Delegate

EL RABEEY, Hamdan bin Saif, Mr.

Workers' Delegate

EL SHANFRY, Saeed Hassan, Mr.

Ouganda Uganda Uganda

Minister attending the Conference

ETIANG, Paul O., Mr., Third Deputy Prime Minister, Minister of Labour and Social Welfare.

Person accompanying the Minister

LUBANGA, Timothy, Mr., Personal assistant.

Government Delegates

OLWENY, Claudius, Mr., Director for Labour.

BANYA, Joyce, Mrs., First Secretary, Permanent Mission, Geneva.

Advisers

OSEKU, Alphonse, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

IRUMBA, Nathan, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

MAGEZI, Ann, Mrs., President Industrial Court.

KATEMBWE, Abel, Mr., Managing Director, National Social Security Fund.

LUYIMA, Harriet, Mrs., Assistant Commissioner for Labour Industrial Relations.

ADONGAKULU, Jacqueline, Mrs., Labour Officer.

Employers' Delegate

KASWARRA, M.R. Joel, Mr., Executive Director, Federation of Employers.

Adviser

KASEKENDE, Martin, Mr., General Manager, National Housing and Construction Company.

Workers' Delegate

ONGABA, Lyelmoi, Mr., Secretary General, National Organisation of Trade Unions.

Pakistan

Government Delegates

HASSAN BHUTTO, Muhammad, Mr., Secretary, Ministry of Labour, Manpower and Overseas Pakistanis.

AKRAM, Munir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

SIDDIQI, Moinuddin, Mr., Joint Secretary, Ministry of Labour, Manpower and Overseas Pakistanis.

AZHAR, Kehkeshan, Mrs., First Secretary, Permanent Mission, Geneva.

JANJUA, Tehmina, Mrs., First Secretary, Permanent Mission, Geneva.

QAZI, M. Syrus, Mr., Third Secretary, Permanent Mission, Geneva.

ELLAHI, Malik Azhar, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

TABANI, Ashraf W., Mr., President, Employers' Federation; Employer deputy Member of the Governing Body, ILO .

Workers' Delegate

AHMED, Khurshid, Mr., General Secretary, All Pakistan Federation of Trade Unions; Worker deputy Member of the Governing Body, ILO.

Panama

Ministro asistente a la Conferencia

DOENS, Mitchell, Sr., Ministro de Trabajo y Bienestar Social.

Delegados gubernamentales

DUCREUX, A. Antonio, Sr., Viceministro de Trabajo y Bienestar Social; Representante Gubernamental, Consejo de Administración de la OIT.

KAM, Leonardo, Sr., Embajador Permanente, Misión Permanente en Ginebra.

Consejero técnico y delegado suplente

AGUILAR, Ricardo, Sr., Asesor de Asuntos Internacionales del Ministerio de Trabajo y Bienestar Social.

Consejeros técnicos

GOMEZ GUERRERO, Raul, Sr., Director Nacional de Inspección de Trabajo del Ministerio de Trabajo.

MANZUR BARREDA, Beatriz, Sra., Jefa del Departamento de Colaboración con la OIT; Representante Gubernamental, Consejo de Administración de la OIT.

Delegado de los empleadores

DURLING, Walter, Sr., Asesor del Consejo Nacional de la Empresa Privada (CoNEP), Miembro Adjunto Consejo de Administración de la OIT.

Consejero técnico y delegado suplente

AIZPURUA, Manuel V., Sr., Vicepresidente de Asuntos Legales y Gubernamentales de la Chiriguí Land Company, Miembro del Sindicato de Industriales (SIP) y del Consejo Nacional de la Empresa Privada (CONEP).

Delegado de los trabajadores

CASTILLO MIRANDA, Augusto, Sr., Secretario General de la Federación Sindical de Trabajadores, Miembro del Cuerpo Colegiado del Consejo Nacional de Trabajadores Organizados (CONATO).

Consejero técnico y delegado suplente

BOTACIO, Bernardino, Sr., Secretario General, Confederación Gremial de Trabajadores; Miembro del Cuerpo Colegiado de CONATO.

Papouasie-Nouvelle Guinée
Papua New Guinea
Papua Nueva Guinea

Government Delegates

ELIAS, Margaret L., Ms., Secretary, Department of Industrial Relations.

BALOILOI, Helen, Ms., Acting Director, International Labour Affairs.

Advisers and substitute delegates

GINI, Bob, Mr., Acting FAS, Human Resource Development and Employment Promotion.

WILLIAMS, Soiat, Mr., FAS, Industrial Relations & Employment Conditions; DPM.

Employers' Delegate

NANA, Tau, Mr., Executive Director, Employers Federation of PNG.

Workers' Delegate

MC ALISTER, Reginald, Mr., General Secretary, Papua New Guinea Seamen's & Waterside Workers' Union.

Paraguay

Ministro asistente a la Conferencia

GONZALEZ INSFRAN, Sebastián, Sr., Ministro de Justicia y Trabajo.

Delegados gubernamentales

LOIZAGA CABALLERO, Eladio, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

GONZALEZ CASCO, Carlos Eladio, Sr., Vice Ministro de Trabajo y Seguridad Social, Ministerio de Justcicia y Trabajo.

Consejeros técnicos

GAUTO, Rigoberto, Sr., Ministro, Misión Permanente en Ginebra.

UGARRIZA, Rodrigo, Sr., Primer Secretario, Misión Permanente en Ginebra.

CASATI, Leticia, Srta., Segunda Secretaria, Misión Permanente en Ginebra.

SANTACRUZ DE VILLALBA, Gladys, Sra., Directora de Empleo y Encargada de Asuntos Internacionales.

ARGUELLO, Juan Gregorio, Sr., Asesor de Normas Internacionales.

Delegado de los empleadores

TALAVERA GOIBURU, Eduardo, Sr., Presidente, Federación de la Producción, la Industria y el Comercio (FEPRINCO).

Consejero técnico

CAMERON GENES, Juan, Sr.

Delegado de los trabajadores

INSFRAN DIETRICH, Victor eduardo, Sr., Central Unitaria de Trabajadores (CUT).

Consejeros técnicos

LOPEZ, Gerónimo, Sr., Presidente, Confederación Paraguaya de Trabajadores (CPT).

PARRA GAONA, Pedro, Sr., Central Nacional de Ttrabajadores.

BARRETO MEDINA, Reinaldo, Sr., Presidente, Central Sindical de Trabajadores del Estado Paraguayo (CESITEP).

Pays-Bas Netherlands
Países Bajos

Ministers attending the Conference

MELKERT, Ad, Mr., Minister of Social Affairs and Employment.

WILLEM, Mike, Mr., Minister of Labour and Social Affairs of the Netherlands Antilles.

Persons accompanying the Minister

FERINGA, Roel, Mr., Head of Department, Ministry of Social Affairs and Employment.
BEETS, Lauris, Mr.
MULOCK HOUWER, Dineke, Ms.

Government Delegates

VAN DER HEIJDEN, Paul, Mr., Professor of Labour Law, University of Amsterdam.
SCHRAMA, Henk, Mr., Director for International Affairs, Ministry of Social Affairs and Employment.

Advisers and substitute delegates

HERFKENS, Evelien, Ms., Permanent Representative, Permanent Mission, Geneva.
VAN LEUR, Alette, Ms., Senior Policy Adviser, Ministry of Social Affairs and Employment.

Advisers

VAN WULFFTEN PALTHE, Peter, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
VAN ATTEVELD, Geert, Mr., Senior Policy Adviser, Ministry of Social Affairs and Employment.
BUFFINGA, Roelof, Mr., Policy Adviser, Ministry of Foreign Affairs.
FREDERIKS, Jaap, Mr., First Secretary, Permanent Mission, Geneva.
HAECK, Hens, Mr., Senior Policy Adviser, Ministry of Social Affairs and Employment.
KAREL, Elco, Mr., Director, Ministry of Labour and Social Affairs, Netherlands' Antilles.
KLOOSTERMAN, Peter, Mr., Head of Department, Ministry of Social Affairs and Employment.
LEMMEN, Jan, Mr., Senior Policy Adviser, Ministry of Social Affairs and Employment.
OTT, Jan, Mr., Policy Adviser, Ministry of Social Affairs and Employment.
RAAPHORST, Lettie, Ms., Head of Department, Ministry of Social Affairs and Employment.
VAN DE REE, Willem, Mr., Coordinating Policy Adviser, Ministry of Social Affairs and Employment.

Other persons attending the Conference

VAN NIEUWENHOVEN, Jeltje, Ms., Member of Parliament.
VAN DER PLOEG, Rik, Mr., Member of Parliament.
VAN DER STOEL, AnneLize, Ms., Member of Parliament.

Employers' Delegate

HUNTJENS, Ton, Mr., Director, International Social Affairs, Confederation of Netherlands' Industry and Employers (VNO-NCW), Substitute Member, Governing Body of the ILO.

Adviser and substitute delegate

VAN DEN BRAAK, Jan Willem, Mr., Senior Adviser, Employment and Social Affair, VNO-NCW.

Advisers

COMENENCIA, Paul, Mr., Executive Directo, Curaçao Chamber of Commerce and Industry, Netherlands' Antilles.
VAN HAASTEREN, Fred, Mr., Vice-President, Human Resources and Corporate Secretary, Randstad Holding N.V.
MUNTZ, Annemarie, Ms., Head, Corporate Affairs of Vedior International B.V.
VAN POPTA, Benne, Mr., "Director, Economic Affairs and Employment, Royal Dutch Association of SME's.

Workers' Delegate

ETTY, Tom, Mr., Adviser, International Affairs, Netherlands' Trade Union Confederation (FNV).

Adviser and substitute delegate

STOLWIJK, José, Ms., Staff Member, Christian National Trade Union (CNV).

Advisers

DRIJFHOUT, Dédée, Ms., Executive Adviser for International Affairs, Federation of Trade Unions for Professional and Managerial Staff (MHP).
KIBBELAAR, Daphne, Mr., President of the Christian Union of Workers in Nursing Institutions, Curaçao.
PASSCHIER, Catelene, Ms., Legal Adviser, FNV.
OOSTVEEN, Marjon, Ms., Executive Adviser, International Affairs, CNV.
VAN DEN BURG, Ieke, Ms., Member, Executive Board, FNV.

Pérou Peru Perú

Ministro asistente a la Conferencia

GONZALEZ-IZQUIERDO, Jorge, Sr., Ministro de Trabajo y Promoción Social.

Personas que acompañan al Ministro

URRUTIA, José, Sr., Embajador, Representante Permanente en Ginebra; Representante Gubernamental Adjunto, Consejo de Administración de la OIT.
DELGADO-APARICIO, Luis, Sr., Miembro del Congreso de la República.
VELASQUEZ-QUESQUEN, Angel, Sr., Miembro del Congreso de la República.

Delegados gubernamentales

PAULINICH, Javier, Sr., Ministro, Representante Permanente Alterno, Mission Permanente en Ginebra.

TINCOPA, Romy, Sra., Segunda Secretaria, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

CHAVEZ, Luis-Enrique, Sr., Consejero de la Misión Permanente en Ginebra.

PEREZ DEL SOLAR, Eduardo, Sr., Segundo Secretario de la Misión Permanente en Ginebra.

Delegado de los empleadores

ZAVALA-COSTA, Jaime, Sr., Confederación Nacional de Instituciones Empresariales Privadas (CONFIEP).

Consejeros técnicos y delegados suplentes

BARRENECHEA-CALDERON, Julio César, Sr.

PEDRAZA-AZURIN, Nestor, Sr.

Consejero técnico

DE ZAVALA, Fatima, Sra.

Delegado de los trabajadores

LAZO-PERALTA, Alfredo, Sr., Secretario General, Central Autónoma de Trabajadores (CATP).

Consejeros técnicos

REYES-GOMEZ, Miguel Emilio, Sr., Secretario General, Confederación Sindical Nacional (CSN).

PEREZ-HINOSTROZA, Rodrigo, Sr., CATP.

Philippines Philippines Filipinas

Minister attending the Conference

QUISUMBING, Leonardo A., Mr., Secretary, Department of Labor and Employment.

Persons accompanying the Minister

IMSON, Manuel G., Mr., Labor Attaché, Philippine Embassy, Washington D.C.

SALDIVAR, Angel V., Mr., Labor Attaché, Philippine Embassy, Paris.

Government Delegates

ESPAÑOL, Jose, Mr., Undersecretary, Department of Labor and Employment.

BAUTISTA, Lilia R., Mrs., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

ROLDAN CONFESOR, M.A. Nieves, Ms., Ambassador Extraordinary Plenipotentiary, Presidential Adviser on Human Resource Development and International Labor Affairs.

SARMIENTO, Regina Iréne, Ms., Labor Attahé, Permanent Mission, Geneva.

Advisers

CARALE, Bartolome S., Mr., Charirman, National Labor Relations Commission.

SIENES-YAP, Chona, Mrs., Director, International Labor Affairs Service.

WONG, Angeles, Ms., DIrector, Licensing and Regulation Office Philippine Overseas Employment Administration.

ATAVIADO, Quinciano T., Mr., Director, Information and Publication Service.

FERNAN, Marcelo, Mr., Senator.

OPLE, Blas F., Mr., Senator.

GONZALES, Neptali, Mr., Senator.

HERRERA, Ernesto, Mr., Senator.

COSETENG, Anna Dominique, Ms., Senator.

VELOSO, Alberto S., Mr., Congressman.

ABLAN JR, Roque B., Mr., Congressman.

LOPEZ, Elias E., Mr., Congressman.

ANDOLANA, Gregorio A., Mr., Congressman.

GULLAS, Edgardo R., Mr., Congressman.

DRILON, Franklin M., Mr., Senator.

DEJON, Temistocles S., Mr., Congressman.

JABAR, Ramon J., Mr., Congressman.

VERCELES, Ernesto C., Mr., Congressman.

Persons appointed in accordance with Article 2, paragraph 3(i)

BELMONTE, Feliciano R., Mr., Congressman.

LOPEZ, Jaime C., Mr., Congressman.

DE LA CRUZ, Zoilo V., Mr., Congressman.

PERIQUET, Anna Marie K., Ms., Congressman.

VILLAVIZA, Alejandro, Mr., Congressman.

ROMERO, Miguel L., Mr., Congressman.

FAJARDO, Mohd Omar A., Mr., Congressman.

ISIDRO, Martin B., Mr., Congressman.

Other persons attending the Conference

DEL PRADO, Gregorio, Mr., Congressman.

DINGLASAN, Andres, Mr., Congressman.

CALUCAG, Elpidio, Mr.

HERNANDEZ, Lorelei, Ms.

Employers' Delegate

VARELA, Miguel B., Mr., President, Employers' Confederation.

Advisers

PERIQUET, Aurelio, Mr., Chairman of the Board, Employers' Confederation.

TAN, Ancheta K., Mr., President Emeritus, Employers' Confederation.

SORIANO, Rene Y., Mr., Vice-President, Employers Confederation.

BAGABALDO, Aniano, Mr., Vice-President, Employers Confederation.

PAYOS, Ranulfo, Mr., Corporate Secretary and Governor, Employers Confederation.

Workers' Delegate

TAN, Juan C., Mr., President, Federation of Free Workers.

Advisers

MENDOZA, Democrito, Mr., President, Trade Union Congress; Deputy Member, Governing Body of the ILO.

OLIVEROS, Maximino Floro, Mr., Administrator, Federation of Free Workers.

SENO, Cecilio, Mr., Vice-President, Trade Union Congress.

ARANJUEZ, Timoteo A., Mr., National Chairman, Lakas Manggagawa Labor Center.

ANGCO, Consuelo, Ms., Department Head of Women, Trade Union Congress.

MENDOZA, Marianita, Mrs., Assistant National Vice-President for Health Services, Trade Union Congress, ALU.

Pologne Poland Polonia

Minister attending the Conference

ZIELINSKI, Tadeusz, Mr., Minister of Labour and Social Policy.

Person accompanying the Minister

PLISZKIEWICZ, Marek, Mr., Polish Academy of Sciences.

Government Delegates

JAKUBOWSKI, Krzysztof, Mr., Under Secretary of State, Ministry of Foreign Affairs.

CIESLAK, Zbigniew, Mr., Under-Secretary of State, Ministry of Labour and Social Policy.

Advisers and substitute delegates

DEMBINSKI, Ludwik, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

HENCZEL, Remigiusz Achilles, Mr., Director, International Cooperation Department, Ministry of Labour and Social Policy; Government Representative, Governing Body of the ILO.

CIBOR, Wlodzimierz, Mr., Head, Social-Economic Section, Department of the United Nations System, Ministry of Foreign Affairs.

Advisers

KOSTECKI, Andrzej, Mr., Expert, Ministry of Labour and Social Policy.

LEMIESZEWSKA, Renata, Ms., Senior Expert, International Cooperation Department, Ministry of Labour and Social Policy.

MOZDZENSKA-MROZEK, Danuta, Ms., Deputy President, National Labour Office.

SZEMPLINSKA, Elzbieta, Ms., Chief Expert, Labour Law Department, Ministry of Labour and Social Policy.

TYSZKO, Jacek, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

ZAJAC, Krystian, Mr., President, Coal Mining Employers' Organisation, Confederation of Polish Employers.

Adviser and substitute delegate

NOWAK, Jerzy, Mr., Member, Standing Committee for Foreign Policy, Confederation of Polish Employers.

Advisers

IWAN, Stanislaw, Mr., Expert, Confederation of Polish Employers.

JANKOWSKI, Waldemar, Mr., Expert, Confederation of Polish Employers.

LEWANDOWSKA, Jolanta, Ms., Expert, Confederation of Polish Employers.

ZAJKO, Krzysztof, Mr., Expert, Confederation of Polish Employers.

Workers' Delegate

WIADERNY, Jozef, Mr., President, All Poland Alliance of Trade Unions.

Adviser and substitute delegate

WOJCIK, Tomasz, Mr., Member, Presidium of the National Commission; President, Regional Board of "Dolny Slask"; Independent Self-Governing Trade Union "Solidarnosc"; Deputy Member, Governing Body, ILO.

Advisers

BORUTA, Irena, Mrs., Expert, Independent Self-Governing Trade Union "Solidarnosc".

LEPIK, Ryszard, Mr., Deputy President, All Poland Alliance of Trade Unions.

NAZARKIEWICZ, Eliza, Ms., Expert, All Poland Alliance of Trade Unions.
WAJDA, Miroslaw Andrzej, Mr., Expert, All Poland Alliance of Trade Unions.
WOZNIEWSKI, Krzysztof, Mr., Expert, Independent Self-Governing Trade Union "Solidarnosc".

Portugal

Ministres assistant à la Conférence

FERNANDES RODRIGUES, Maria João, Mme, Ministre pour la Qualification et l'Emploi.
MONTEIRO FERNANDES, António de Lemos, M., Secrétaire d'Etat du Travail.
BRAZÃO DE CASTRO, Eduardo, M., Secrétaire régionale des Affaires parlementaires et de la Communication de la Région autonome de Madère.

Personnes accompagnant les ministres

DE SANTA CLARA GOMES, Gonçalo, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
COLARES PEREIRA, Vasco, M., Assesseur du Cabinet du Ministre.

Délégués gouvernementaux

RIBEIRO LOPES, Fernando, M., Directeur-général des Conditions de Travail, Ministère pour la Qualification et l'Emploi (MQE).
BARREIRA DE SOUSA, Luis, M., Représentant permanent adjoint, Mission permanente à Genève.

Conseiller technique et délégué suppléant

TOMÉ DE ALMEIDA, Luis, M., Conseiller pour les Affaires du Travail et de l'Emploi, Mission permanente à Genève.

Conseillers techniques

SOARES, Maria Cândida, Mme, Directeur-général de l'Emploi et Formation professionnelle, MQE.
CONÇALVES DA SILVA, Rui, M., Directeur régional du Travail, Région autonome de Madère.
BETTENCOURT LEITE, Rui, M., Directeur régional de la Jeunesse, Emploi et Formation professionelle, Région autonome des Azores.
RIBEIRO, Maria Eduarda, Mme, Directeur des Services du Département d'Etudes et de Planification, MQE.
PINTO BELO, José António, M., Directeur des Services du Travail et de l'Emploi, Territoire de Macao.
MACEDO, José, M., Chef de Division des Conditions générales du Travail, MQE.
ROBERT LOPES, Maria Helena, Mme, Direction général des Conditions de Travail, MQE.
RIBEIRO DA SILVA, Isabel Márquez, Mme, Premier secrétaire, Mission Permanente à Genève.
GRILO, António Sérgio, M., Institut de l'Emploi et Formation professionnelle.
WONG, Chi Hong, M., Adjoint du Directeur des Services du Travail et de l'Emploi, Territoire de Macao.

Délégué des employeurs

PEREIRA MONTOYA, João Henriques de Figueiredo, M., Vice-président de l'Assemblée générale de la Confédération de l'Industrie portugaise (CIP).

Conseiller technique et délégué suppléant

PENA E COSTA, Marcelino, M., Directeur de la Confédération du Commerce et des Services du Portugal (CCP).

Conseillers techniques

FERNANDES SALGUEIRO, Heitor Flávio, M., Directeur général adjoint, CIP.
CORREIA CUSTÓDIO, Mário, M., Secrétaire-général, Chambre du Commerce et de l'Industrie des Azores.
PEREIRA FERNANDES, Rui Manuel Jervis, M., Secrétaire général de l'Association commerciale et industrielle de Funchal, Région autonome de Madère.
VIEIRA, Ana Cristina, Mme, Expert, CCP.
DA ROCHA NOVO, Gregório, M., Expert, CIP.

Délégué des travailleurs

LANÇA, Florival, M., Commission exécutive du Conseil national et Secrétaire des Relations internationales de la Confédération générale des Travailleurs portugais (CGTP).

Conseiller technique et délégué suppléant

CARVALHO, Carlos, M., CGTP.

Conseillers techniques

RAMOS, Amilcar, M., Cabinet d'Etudes, CGTP.
DE OLIVEIRA, Evaristo Guerra, M., Commission exécutive de l'Union générale des Travailleurs (UGT).
MARTINS, Joaquim, M., Secrétariat national, UGT.
ALMEIDA E SOUSA, Carla, Mme, Cabinet technique, UGT.
ALVES TRINDADE, Carlos Manuel, M., Membre, Commission exécutive, Confédération générale des Travailleurs portugais.
MAURÍCIO DE CARVALHO, Fernando Manuel, M., Chef, Département international , Confédération générale des Travaillleurs portugais.

Qatar

Minister attending the Conference

AL-THANI, Falah bin Jassim bin Jabr, Mr., Minister of Civil Service Affairs and Housing.

Government Delegates

AL-THANI, Fahad Awaida, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-KHALIFA, Abdulla Nasser, Mr., Assistant-Director, Labour Department.

Adviser and substitute delegate

AL-THANI, Abdul Aziz bin Moha. bin Sand., Mr., Head, Recruitment Offices Section.

Advisers

AL-KHOORI, Hassan Abdulla, Mr., Head, Legal Affairs.

BUSHARBAK, Ali Said, Mr., Director, Public Relations and Information.

KALLA, Mohammed Ali, Mr., Acting Head, International Relations Division.

Employers' Delegate

AL-FEIHANI, Nasser Jassim, Mr., Office Director, General Manager of Qatar Chamber of Commerce and Industry.

Workers' Delegate

SHAMS, Eissa Abdullah, Mr., Head of Employee Relations, Qatar General Petroleum Corporation.

République démocratique du Congo
Democratic Repubic of the Congo
República Democrática del Congo

Délégué gouvernemental

MARUME MULUME, Godefroid, M., Chargé d'Affaires, Mission permanente à Genève.

Délégué des travailleurs

BINTOU A TSHIBOLA KATOMPA, Raphael, M.

Conseiller technique

KIKONGI DI MWINSA LEKULE, Fernand, M.

Roumanie Romania Rumania

Ministre assistant à la Conférence

ATHANASIU, Alexandru, M., Ministre du Travail et de la Protection sociale.

Personnes accompagnant le Ministre

GRECU, Pavel, M., Chargé d'affaires ad interim, Mission permanente à Genève.

PARVU, Dorin Nicolae, M., Secrétaire d'Etat, Ministère du Travail et de la Protection sociale.

BARA, Iuliu, M., Secrétaire d'Etat, Ministère du Travail et de la Protection sociale.

STREIBER, Mircea, M., Sous secrètaire d'Etat, Cabinet du Premier Ministre, Responsable des relations avec les Associations Syndicales et Patronales

DRAGAN, Mihai, M., Conseiller du Ministre du Travail et de la Protection sociale.

BREJBEANU, Marcel, M., Expert, Département des Relations avec les Associations Syndicales et Patronales.

Délégués gouvernementaux

CIRICA, Razvan, M., Directeur, Direction des Relations internationales, Ministère du Travail et de la Protection sociale.

FARCAS, Alexandru, M., Conseiller, Mission permanente à Genève.

Conseillers techniques et délégués suppléants

MIHES, Cristina, Mme, Conseiller, Direction des Relations internationales, Ministère du Travail et de la Protection sociale.

FIRAN, Mircea, M., Deuxième secrétaire, Ministère des Affaires étrangères.

PACURETU, Anton, M., Troisième secrétaire, Mission permanente à Genève.

Délégué des employeurs

CHELARIU, Stefan, M., Vice-président du Patronat roumain; Président, Union nationale du Patronat.

Conseillers techniques et délégués suppléants

SIMION, Valeriu, M., Directeur général exécutif du Patronat; Directeur général, Confédération nationale du Patronat.

KOVACS, Lorant, M., Directeur, Confédération nationale du Patronat de l'Industrie (CONPIROM).

RAILEANU, Catalin, M., Directeur général, Union nationale du Patronat.

BELIOVSKI, Viaceslav, M., Président, Fédération patronale de l'Industrie alimentaire, CONPIROM.

Conseillers techniques

NICOLESCU, Ovidiu, M., Vice-président du Patronat; Président, Conseil national des petites et moyennes entreprises.
FUNDATURA, Dumitru, M., Vice-Président, Conseil National des petites et moyennes entreprises.
STROESCU, Dan George, M., Confédération nationale du Patronat.
GHEORGHIU, Constantin, M., Vice-président, Fédération patronale du Tourisme, Confédération nationale du Patronat.
PAUN, Gheorghe, M., Fédération patronale du Tourisme, Confédération nationale du Patronat.

Délégué des travailleurs

COLCEAG, Radu, M., Président, Confédération des Syndicats démocrates.

Conseillers techniques et délégués suppléants

POPESCU, Corneliu, M., Secrétaire général, Bloc national syndical.
HOSSU, Bogdan Iuliu, M., Président, Centrale Syndicale Nationale, (CNS), "Cartel Alfa".
STAN, Sorin, M., Secrétaire confédéral, Confédération Nationale des Syndicats libres (CNSLR), "Fratia".

Conseillers techniques

CHIRITA, Dumitru, M., Vice-président, Bloc national syndical.
RADOI, Ion Cornel, M., Bloc national syndical.
RADI, Aurel, M., CNS, "Cartel Alfa".
POPESCU, Ovidiu, M., CNS, "Cartel Alfa".
TODORAN, Pavel, M., Président, CNSLR, " Fratia".
MOCANU, Valentin, M., Chief of Department, CNSLR "Fratia".
LUPU, Matei, M., Confédération "Meridian".

Royaume-Uni United Kingdom Reino Unido

Minister attending the Conference

SMITH, Andrew, Mr., Minister of State for Education and Employment.

Persons accompanying the Minister

DRIVER, Katie, Ms., Minister's Private Secretary.
TUCKER, Clive, Mr., Director of International Directorate, Department for Education and Employment.
SHAW, Barnaby, Mr., Head of International Relations Division, Department for Education and Employment.

Best copy available

Government Delegates

MORGAN, Shan, Ms., Head, ILO Section, Department for Education and Employment.
THOMAS, Michael, Mr., Executive Officer, Department for Education and Employment.

Advisers and substitute delegates

RAMSDEN, John, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
SIMMONS, Tim, Mr., First Secretary, Permanent Mission, Geneva.

Advisers

LYNE, Roderic, Mr., Ambassador and Permanent Representative, Permanent Mission, Geneva.
NIVEN, Marie, Ms., Policy Adviser, Department for Education and Employment.
KENNARD, Alistair, Mr., Department of Trade and Industry.
HADLEY, Paul, Mr., Head, Employment Agency Standards, Department of Trade and Industry.
KENYON, Maria, Ms., Head, General Policy Unit, Department of Trade and Industry.
FRARY, Helen, Ms., Third Secretary, Permanent Mission, Geneva.
PROCTOR, Matt, Mr., Attaché, Permanent Mission, Geneva.
JAGELMAN, Keith, Mr., Deputy Head of Branch, Department of Economic Development, Northern Ireland.
WARD, Janine, Ms., Policy Adviser, Department of Employment and Social Security, Jersey.
WILLIS, Jacqueline Ann, Ms., Commissioner for Labour, Labour Department, Hong Kong.
NORMINGTON, David, Mr., Director-General, Strategy and Analytical Services, Department for Education and Employment.
LLEWELLYN, Huw, Mr., First Secretary, Legal Adviser, Permanent Mission, Geneva.

Other persons attending the Conference

JONES, Annette, Mrs., Administrative Officer, Department for Education and Employment.
EDNESS, Quinton L., Mr., Minister of Labour Home Affairs and Public Safety, Bermuda.
FUBLER, Glen, Mr., Labour Relations Officer, Department of Labour and Training, Bermuda.
CHOR CHAN, Jennie Chui-yuk, Mrs., Assistant Commissioner for Labour Department, Hong Kong.
NG, Stanlley Ka-Kwong, Mr., Senior Labour Officer, Labour Department, Hong Kong.

Employers' Delegate

FRANCE, Deborah A., Ms., Head, International Social Affairs, Confederation of British Industry.

Advisers

TAYLOR, George, Mr., CBI Employment Adviser.

ALLEN, Leonard, Mr., Consultant, Federation of Recruitment and Employment Services (FRES).
FOERS, Maureen, Ms., Chairman and Managing Director, Northern Business Centre (HUMBER) Ltd.
HO, Sai-chu, Mr., Labour Advisory Board, Hong Kong.

Other persons attending the Conference

CRIDLAND, John, Mr., Director, Human Resources Policy, Confederation of British Industry.
LAU, Joseph Man-wai, Mr., Employers' Representative, Labour Advisory Board, Hong Kong.
DIXON, Malcolm, Mr., Executive Director, Bermuda Employers Council.
HARVEY, John, Mr., Chief Executive Officer, Bermuda Hotel Association.

Workers' Delegate

BRETT, Bill, Mr., Trades Union Congress (TUC) General Council; General Secretary, Institution of Professionals, Managers and Specialists (IPMS); Vice President, Governing Body of the ILO

Adviser and substitute delegate

STEYNE, Simon, Mr., International Officer, International Department, TUC.

Advisers

DAVIES, Garfield, Mr., TUC General Council; General Secretary, Union of Shop Distributive and Allied Workers (USDAW).
HILLON, Bernadette, Ms., TUC General Council; National Women's Officer, USDAW.
PRUDENCE, Jocelyn, Ms., TUC General Council; Co-Director of Industrial Relations Chartered Society of Physiotherapy (CSP.
PURKISS, Robert I., Mr., TUC General Council; National Secretary (Equalities), Transport and General Workers' Union (T&GWU).
LEUNG, Chau-ting, Mr., Labour Advisory Board, Hong Kong.

Other persons attending the Conference

BARBER, Brendan, Mr., Deputy General Secretary, Trades Union Congress.
WALSH, Michael, Mr., Head of International Department, Trades Union Congress.
KOTHALAWALA, Bandula, Mr., International Department, Trades Union Congress.
BLAKENY, Eugene, Mr., General Secretary, Bermuda Public Service Association (BPSA).
CHEUNG, Wood-lun, Mr., Employees' Representative, Labour Advisory Board, Hong Kong.
BALL, Edward, Mr., Assistant Secretary General, BPSA.
BURGESS, Derrick, Mr., President, Bermuda Industrial Union (BIU).
FURBERT, Chris, Mr., First Vice President (and Organiser) Bermuda Industrial Union.

Fédération de Russie
Russian Federation
Federación de Rusia

Minister attending the Conference

LUBLIN, Yeuri, Mr., First Deputy Minister of Labour and Social Development.

Persons accompanying the Minister

MOSKVINA, M.V., Mrs., Deputy Minister of Labour and Social Development.
RODIONOV, A.A., Mr., Deputy Minister of Labour and Social Development.

Government Delegates

LOUKIANENKO, Sviatoslav, Mr., Director, International Cooperation Department, Ministry of Labour and Social Development.
PANKOV, Valery, Mr., Deputy Director, International Cooperation Department, Ministry of Labour and Social Development.

Advisers and substitute delegates

ORLOV, A.V., Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
SHEVTCHENKO, A.M., Mr., Branch Head, Department of Economic Cooperation, Ministry of Foreign Affairs.

Advisers

KOLODKIN, Roman, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
PANIN, A.S., Mr., Director, Legal Department, Ministry of Labour and Social Development.
KHARLAMOV, A.S., Mr., Director, Employment Department, Ministry of Labour and Social Development.
STEPANOV, V.F., Mr., Head, International Organizations Branch, International Cooperation Department, Ministry of Labour.
KHLESTOV, N.O., Mr., Senior Counsellor, Permanent Mission, Geneva.
IUDIN, V.I., Mr., Counsellor, Permanent Mission, Geneva.
KOSAREV, Y.A., Mr., Chairman, Social Security Fund.
RESHETNIKOV, E.N., Mr., Head, Division of International Relations, Social Security Fund.
KOVALENKO, A.V., Mr., Second Secretary, Permanent Mission, Geneva.
LYZHENKOV, A.L., Mr., Second Secretary, Permanent Mission, Geneva.
OUSHAKOV, K.B., Mr., Attaché, Department of Economic Cooperation, Ministry of Foreign Affairs.
KUTZ, O.V., Mr., Attaché, Permanent Mission, Geneva.
PROJOROV, Viacheslav A., Mr.

Employers' Delegate

KOLMOGOROV, V.P., Mr., Chairman, Coordination Council, Russian Association of Employers; Vice-President, Russian Union of Industrialists and Employers; Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

VORONOV, O.K., Mr., Senior Counsellor, Russian Union of Industrialists and Employers.

Advisers

DAVYDOV, Alexey, Mr., Chief of Branch, Chamber of Commerce and Industry.
GOUSEVA, T.V., Mrs., Expert, Association of Privatized and Private Enterprises.
IOFFE, A.D., Mr., President, Russian Association of Small Business Development.
KASOUMOV, A.H., Mr., President, Open Share Capital Society "MOSOBLINJSTROI".
KOTOV, Y.I., Mr., President, Moscow Chamber of Commerce and Industry.
KRASILNIKOV, S.R., Mr., Deputy Director-General, National Training Fund.
MANGOUTOVA, I.V., Mrs., Executive Director, Association of Privatized and Private Enterprises.
PIMOSHENKO, Y.P., Mr., Director-General, Federal Fund in Support of Small Businesses.
TOMTCHIN, G.A., Mr., President, Association of Privatized and Private Enterprises.

Workers' Delegate

SHMAKOV, M.V., Mr., President, Federation of Independent Trade Unions (FITUR); Deputy Member Governing Body of the ILO.

Adviser and substitute delegate

POPELLO, S.A., Mr., Secretary, FITUR.

Advisers

OSINKIN, E.N., Mr., Deputy President, FITUR.
NEKRASOV, V.R., Mr., President, Confederation of Labour.
BOUDKO, V.I., Mr., President, Independent Trade Union of Coal Miners.
MIACHIN, V.N., Mr., Head, International Division, Independent Trade Union of Coal Miners.
SOSNINA, T.I., Mrs., President, Central Committee, Trade Union of Textile and Light Industry Workers.
NAGAITZEV, M.D., Mr., President, Moscow Trade Union Federation.
SIDOROV, E.A., Mr., Head, International Division, FITUR.

Rwanda

Ministre assistant à la Conférence

NSENGIMANA, Joseph, M., Ministre de la Fonction publique et du Travail.

Délégué gouvernemental

RUKASI RWAKA, Thomas, M., Directeur du Travail, Ministère de la Fonction publique.

Saint-Marin San Marino
San Marino

Ministre assistant à la Conférence

PODESCHI, Claudio, M., Ministre du Travail et de la Coopération.

Personne accompagnant le Ministre

RIGHI, Fabio, M., Bureau du Travail.

Délégués gouvernementaux

THOMAS, Dieter E., M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
CECCHETTI, Domenico, M., Coordonnateur, Département Travail et Coopération.

Conseillers techniques et délégués suppléants

BIGI, Federica, Mme, Conseiller d'Ambassade, Direction des Affaires politiques, Département des Affaires étrangères.
ZEILER-WERBROUCK, Huguette, Mme, Conseiller, Mission permanente à Genève.
VAN HEIJST, Willem Jan, M., Conseiller, Mission permanente à Genève.

Conseiller technique

MANUZZI, Marino, M., Directeur a.i., Bureau du Travail.

Délégué des employeurs

MANGIANTI, Manuela, Mme, Association nationale de l'Industrie (ANIS).

Conseillers techniques et délégués suppléants

MORRI, Alessandro, M., Consultant, ANIS.
MENICUCCI, Romina, Mme, ANIS.
UGOLINI, Pio, M., Union nationale des Artisans (UNAS).

Conseillers techniques

DELLA BALDA, Silvia, Mme, Organisation des Travailleurs autonomes (OSLA).
BUCCI, Roberto, M., Directeur, OSLA.
VAGNINI, William, M., Fonctionnaire, ANIS.
BATTISTINI, Giorgio, M., Membre, Conseil de Direction, UNAS.
CIAVATTA, Palmiro, M., Membre, Conseil de Direction, UNAS.

[illegible]

BECCARI, Marco, M., Secrétaire général, Confédération démocratique des travailleurs (CDLS).

Conseiller technique et délégué suppléant

FELICI, Giancarlo, M., Secrétaire confédéral, Responsable des Relations internationales, CDLS.

Conseillers techniques

GHIOTTI, Giovanni, M., Secrétaire général, CSDL.
TAMAGNINI, Giuliano, M., Secrétaire confédéral, CSDL.
LEARDINI, Livia, Mme, Membre, Comité de Direction, CSDL.
MACINA, Gian Luigi, M., Responsable du "Centro Servizi", CSDL

Sao Tomé-et-Principe
Sao Tome and Principe
Santo Tomé y Príncipe

[illegible]

ESPÍRITO SANTO, Juvenal, M.
DE LOURDES SALVATERRA D'ALVA, Maria, Mme

[illegible]

SOARES DO NASCIMENTO, Rodrigo, M.

Senegal

Ministre assistant à la Conférence

DIOP, Assane, M., Ministre du Travail et de l'Emploi.

Personne accompagnant le Ministre

DIALLO, Claude Absa, Mme, Ambassadeur, Représentante permanente, Mission permanente à Genève.

[illegible]

DIONGUE, Babacai, M., Directeur du Travail et de la Sécurité.
DIOP, Oumar, M., Directeur de l'Emploi.

Conseillers techniques et délégués suppléants

DIALLO, SOULEYMANE, M., Chef, Division des Relations internationales.
TRAORE, Boubacar, M., Conseiller technique à la Primature.
FALL, Couty, Mme, Directeur général, Caisse de la Sécurité sociale.
BEYE BALDE, Amadou, M., Député, Peésident, Commission du Travail, de la Fonction publique et de l'Emploi.

Conseillers techniques

NDIAYE, Ibou, M., Ministre conseiller.
DIA, Balla Mandaw, M., Premier conseiller.
NDIAYE, El Hadji Abdou Aziz, M.
NIANG, El Hadji Sidy, M., Premier secrétaire.
NDOUR, Khaly Adama, M.
SOW SIDIBE, Amsatou, Mme, Président, Réseau africain pour la promotion des femmes travailleuses (RAFET).

[illegible]

WADE, Youssoupha, M., Président, Conseil national du Patronat (CNP).

Conseillers techniques

BEYE, Papa Ibrahima, M., Secrétaire général, CNP.
DIOP, Youssoupha, M., Président, Comission sociale, CNP.
MBACKE, Aramine, M., Président, Comission économique et sociale.
NDIAYE, Ibou, M., Vice président, Formation professionnelle, Confédération nationale des Employeurs (CNES).
GUEYE DIOUM, Ibra, M., Vice président, Commission sociale, Hygiène et Sécurité, CNES.
DIOP, Youssoupha, M., Membre, Commission sociale, CNES.
BOYE, Tidiane, M., Secrétaire permanent, CNES.

[illegible]

DIOP, Madia, M., Secrétaire général, Confédération nationlae des Travailleurs (CNTS).

Conseillers techniques

SANE, Omar, M., Secrétaire général adjoint, CNTS.
MBAYE, Rawane, M., Secrétaire confédéral chargé des Relations extérieures, CNTS.
SOW, Alioune, M., Secrétaire général, Union démocratique des Travailleurs (UDTS).
SOCK, Mademba, M., Secrétaire général, Union nationale des Syndicats autonomes (UNSAS).

GUEYE, Mbaye, M., Secrétaire général, Confédération démocratique des Syndicats autonomes (CDSA).

DIOP, Djibril, M., Président, Syndicats autonomes (CSA).

NDIAYE DIADJI, Iba, M., Secrétaire général, CSA.

CAMARA, Abdourahmane, M., Secrétaire aux Relations extérieures, SYNPICS.

GUEYE, Ablaye, M.

NDIAYE, Malamine, M., Secrétaire général adjoint, UDTS.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

TALL, Oumar, M., Secrétaire général, Syndicat du perPersonnel de l'Assemblée nationale, CNTS.

GUIRO, Mody, M., Secrétaire confédéral chargé des Affaires économiques, CNTS.

MBAYE, Thiaba, Mme, Secrétaire général adjoint, CNTS.

DIALLO, Mamadou, M., Secrétaire confédéral chargé de l'Administration, CNTS.

CISSE, Ismaêla, M.

Seychelles

Minister attending the Conference

HERMINIE, William Edouard, Mr., Minister for Employment and Social Affairs.

Government Delegates

MACGAW, Marja Helina, Mrs., Principal Secretary, Ministry of Employment and Social Affairs.

MERITON, Vincent Emmanuel Angelin, Mr., Director General, Employment Division, Ministry of Employment and Social Affairs.

Adviser and substitute delegate

BAKER, Jules Georges, Mr., Assistant Employment Officer, Ministry of Employment and Social Affairs.

Employers' Delegate

SULTAN-BEAUDOUIN, Gilbert Rency, Mr., Executive Secretary, Association of Seychelles Employers.

Workers' Delegate

CHARLES, Olivier Arsen, Mr., President, Seychelles Federation of Workers' Unions.

Sierra Leone Sierra Leone Sierra Leona

Government Delegates

SACCOH, Alhaji S.B., Mr., Minister of Labour, Social Welfare, Youth and Sports.

SHARKA, Joseph G., Mr., Ag. Commissioner of Labour, Ministry of Labour, Social Welfare and Sports,Labour Division.

Employers' Delegate

KING, Jonathan Leroy, Mr., Executive Secretary, Employers' Federation.

Workers' Delegate

TIMBO, Alpha, Mr., Deputy Secretary-General, Labour Congress.

Singapour Singapore Singapur

Minister attending the Conference

LEE, Boon Yang, Mr., Minister for Labour.

Government Delegates

MOSES LEE, Kim Poo, Mr., Permanent Secretary, Ministry of Labour.

ONG, Yen Her, Mr., Divisional Director, Labour Relations, Ministry of Labour.

Advisers and substitute delegates

LOW, Pei Ching, Ms., Labour Desk Officer, Ministry of Labour.

SEE, Chak Mun, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

TEO, Joseph, Mr., First Secretary, Permanent Mission, Geneva.

TEE, Yvette, Ms., Third Secretary, Permanent Mission, Geneva.

GOVINDASAMY, Peter M., Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

KOH, Juat Kiat, Mr., Executive Director, Singapore National Employers' Federation.

[illegible]

HALIMAH BTE, Yacob, Mrs., Director, Legal Services, National Trades Union Congress (NTUC).

Advisers and substitute delegates

LIM, Boon Heng, Mr., Secretary-General, NTUC.

LIM, Swee Say, Mr., Deputy Secretary-General, NTUC.

Advisers

ONG, Ah Heng, Mr., Assistant Secretary-General, NTUC.

TAN, Soo Leng Cyrille, Mr., Vice-President,, NTUC.

NITHIAH NANDAN, S/o Arumugam, Mr., Vice-President, NTUC.

HENG, Chee How, Mr., Assistant Secretary-General, NTUC; Chief Executive Officer, NTUC Club.

HAWAZI, Daipi, Mr., Director, Legal Services, NTUC.

PANG, Koon Seah Victor, Mr., NTUC Central Committee Member.

SUM WAI FUN, Adeline, Ms., Deputy Director, NTUC.

DE PAYVA, John, Mr., President, National Trade Union Congress.

Slovaquie Slovakia Eslovaquia

Minister attending the Conference

KELTOSOVÁ, Olga, Mrs., Minister of Labour, Social Affairs and Family.

Persons accompanying the Minister

BACIKOVÁ, Daniela, Mrs., Director, International Relations Department, Ministry of Labour, Social Affairs and Family.

HETTES, Miloslav, Mr., Senior Officer, Ministry of Foreign Affairs.

Government Delegates

TKAC, Vojtech, Mr., State Secretary, Ministry of Labour, Social Affairs and Family.

KRASNOHORSKÁ, Mária, Mrs., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

SYKORA, Juraj, Mr., Third Secretary, Permanent Mission, Geneva.

VAVRO, Boris, Mr., Senior Officer, International Relations Department, Ministry of Labour, Social Affairs and Family.

Advisers

IVAN, Miroslav, Mr., Director-General, National Labour Office.

LIZAK, Ladislav, Mr., Senior Officer, International Relations Department, Ministry of Labour, Social Affairs and Family.

KUBALOVÁ, Valéria, Mrs., Chief of the International Relation Department, National Labour Office.

JANUSOVÁ, Mária, Mrs., Director, Employment Policy Department, Ministry of Labour, Social Affairs and Family.

FERENCIKOVÁ, Ludmila, Mrs., Chief, International Mobility of Work Department, National Labour Office.

GAJDOSOVÁ, Lubica, Mrs., Chief, Labour Market Analysis Department, Ministry of Labour, Social Affairs and Family.

BREZOVSKY, Frantisek, Mr., Director, Employment Department, National Labour Office.

HUSARIKOVÁ, Vlasta, Mrs., Director, Labour Market Legislation Department, Ministry of Labour, Social Affairs and Family.

RYBÁROVÁ, Mária, Mrs., Senior Officer, Labour Relations Department, Ministry of Labour, Social Affairs and Family.

Employers' Delegate

JAHNÁTEK, Lubomir, Mr., Director General, Plastika Nitra, Holding Company; Foreign Cooperation Expert, Federation of Employers' Unions and Associations.

Adviser and substitute delegate

HRDINA, Daniel, Mr., Director, Department of Training and Operation, Federation of Employers' Unions and Associations.

Advisers

KATRIAK, Martin, Mr., Vice-President, Slovak Consumers' Cooperative Society.

FINKA, Ladislav, Mr., Secretary-General, Slovak Unions of Tradesmen.

PECIAR, Stanislav, Mr., Vice-President, Trade and Tourist Association of Employers.

LACH, Michal, Mr., President, Federation of Employers' Unions.

Workers' Delegate

SAKTOR, Ivan, Mr., President, Confederation of Trade Unions.

Adviser and substitute delegate

KUREJ, Frantisek, Mr., Vice-President, Confederation of Trade Unions.

Advisers

ANCICOVÁ, Margita, Mrs., Expert, International Department, Confederation of Trade Unions.

SEVCECH, Juraj, Mr., Expert, Employment Policy Issues, Confederation of Trade Unions.

LENSKY, Igor, Mr., Chairman, Slovak Trade Union of the Public Administration.

Slovénie Slovenia Eslovenia

Minister attending the Conference

ROP, Anton, Mr., Minister of Labour, Family and Social Affairs.

Person accompanying the Minister

KANDUTI, Marijana, Mrs., Public Relations Department, Ministry of Labour, Family and Social Affairs.

Government Delegates

BEBLER, Anton, Mr., Ambassador, Permanent Representative,Permanent Mission, Geneva.

LOGAR, Andrej, Mr., Minister, Deputy Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

DEJAN, Vladimir, Mr., State Under-Secretary, Ministry of Labour, Family and Social Affairs.

KOMEL, Vladka, Mrs., Adviser to the Minister, Ministry of Labour, Family and Social Affairs.

PLESNIK, Taja, Mrs., Adviser to the Minister, Ministry of Labour, Family and Social Affairs.

Employers' Delegate

POTOCNIK, Miha, Mr., Adviser, Association of Employers.

Adviser and substitute delegate

PIRKMAIER, Stasa, Mrs., Legal Adviser, Association of Employers (OGISTTA).

Workers' Delegate

FRAS, Vida, Mrs., Confederation of Trade Unions (PERGM).

Adviser and substitute delegate

MIKLIC, Gregor, Mr., Member of Presidency, Association of Free Trade Unions.

Soudan Sudan Sudán

Minister attending the Conference

BEDA, Angelo, Mr., Minister of Manpower.

Government Delegates

SAHLOOL, Ali Ahmed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

HAIDOUB, Abdelrahman Yousif, Mr., Under-Secretary, Minister of Manpower.

Advisers and substitute delegates

HASSAN, Abdelmoneim, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

EL HASSAN, Alsabty Mohamed, Mr., Acting Director of International Relations, Ministry of Manpower.

Advisers

DENG RUAI, Alier, Mr., Counsellor, Permanent Mission, Geneva.

NOURELDEEN, Abbadi, Mr., Third Secretary, Permanent Mission, Geneva.

BABIKER, Ali Elias, Mr., Deputy Director of Labour Relations Department, Ministry of Manpower.

IBRAHIM, Ibrahim Ahmed, Mr., Director, Planning Department, Ministry of Manpower.

Employers' Delegate

BAKHEIT, Abdel Rahman Mohamed, Mr., Sudanese Businessmen and Employers' Federation.

Adviser and substitute delegate

OMER, Elamin, Mr., Businessmen and Employers' Federation.

Workers' Delegate

ABDOON, Tagelsir Mohamed, Mr., President, Workers' Trade Unions Federation.

Advisers

GHANDOUR, Ibrahim, Mr., Workers' Trade Unions Federation.

ALI BASHIR, Bashir, Mr., Workers' Trade Unions Federation.

ALI, Hassan Mohamed, Mr., Treasurer, Sudan Workers Federation.

Sri Lanka

Minister attending the Conference

RAJAPAKSE, Mahinda, Mr., Minister of Labour and Vocational Training.

Persons accompanying the Minister

RAJAPAKSE, S., Mrs., Co-ordinating Secretary to the Minister of Labour and Vocational Training.

GODAWATTE, K.M.A, Mr., Private Secretary to the Minister of Labour and Vocational Training.

Government Delegates

GOONETILLEKE, Bernard A.B., Mr., Ambassador, Permanent Representative, Permanent Mission Geneva.

PIYADIGAMA, Nevil, Mr., Secretary, Ministry of Labour and Vocational Training.

Advisers

WIMALASENA, R.P., Mr., Commisioner General of Labour, Ministry of Labour and Vocational Training.

UPASENA, T.A., Mr., Senior Assistant Secretary, Ministry of Labour and Vocational Training.

MADIHAHEWA, Mahinda, Mr., Deputy Commisioner of Labour , Department of Labour.

WANIGANAYAKE, C., Mrs., Labour Officer, Ministry of Labour and Vocational Training.

GANEGAMA ARACHCHI, S.S., Mr., First Secretary, Permanent Mission, Geneva.

DE SILVA, Wimal, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

DASANAYAKE, G.K.B., Mr., Deputy Secretary- General, Employers' Federation.

Workers' Delegate

TAMPOE, Bala, Mr., General Secretary, Mercantile Industrial and General Workers' Union.

Advisers

DEVENDRA, Leslie, Mr., General Secretary, Nihadas Sevaka Sangamaya.

RASSCEDIN, T.M.A., Mr., Secretary, Federation of Labour.

SUBASINGHE, D.W., Mr., General Secretary, Federation of Trade Unions.

SANDRASEKARA, Harry, Mr., Secretary, Industrial Relations, Workers' Congress.

ATHUKORALA, Palitha, Mr., Chief Organizer, Jathika Sevaka Sangamaya.

Suède Sweden Suecia

Minister attending the Conference

WINBERG, Margareta, Ms., Minister of Labour.

Persons accompanying the Minister

EKERLID, Birger, Mr., Political Adviser, Ministry of Labour.

ELFSTRÖM, Asa, Ms., Assistant Under-Secretary, Ministry of Labour.

Government Delegates

JONZON, Björn, Mr., Assistant Under-Secretary, Ministry of Labour.

WIKLUND, Kerstin, Ms., Counsellor, Ministry of Labour.

Adviser and substitute delegate

KRUSE, Anders, Mr., General Counsel, National Labour Market Board.

Advisers

ANDERSON, Per, Mr., Head of Section, Ministry of Labour.

HORN AF RANTZIEN, Marie, Ms., Counsellor, Permanent Mission, Geneva.

JOHNSON, Märeta, Ms., Legal Adviser, National Institute for Working Life.

AKERLUND, Inga, Ms., Legal Adviser, Ministry of Labour.

Employers' Delegate

ARTIN, Stellan, Mr., Director, Swedish Employers' Confederation.

Adviser and substitute delegate

REGNELL, Margareta, Ms., Director, Swedish Employers' Confederation.

Advisers

BRORSSON, Kent, Mr., Director, Swedish Employers' Confederation.

EKENBERG, Bengt Olof, Mr., Director, Swedish Employers' Confederation.

LAURENT, Birgitta, Ms., Legal Adviser, Swedish Employers' Confederation.

WALLSTÉN, Margit, Ms., Director, Swedish Employers' Confederation.

Workers' Delegate

EDSTRÖM, Ulf, Mr., International Secretary, Swedish Trade Union Confederation.

Adviser and substitute delegate

ZETTERVALL-THAPPER, Keth, Ms., International Secretary, Swedish Confederation of Professional Employees.

Advisers

CARLSSON, Stig, Mr., Economist, Swedish Trade Union Confederation.

DERGEL, Leif, Mr., Labour Market Secretary, Swedish Confederation of Professional Employees.

NIIA, Ella, Ms., Legal Adviser, Swedish Hotel and Restaurant Workers' Union.

Suisse Switzerland Suiza

Ministre assistant à la Conférence

NORDMANN, Jean-Luc, M., Directeur, Office fédéral de l'Industrie, des Arts et Métiers et du Travail (OFIAMT).

Délégués gouvernementaux

ELMIGER, Jean-Jacques, M., Chef, Service des Affaires internationales, OFIAMT.

GYGER, Walter B., M., Ambassadeur, Mission permanente à Genève.

Conseillers techniques

BEURET, Lydia, Mme, Adjointe, Division du Marché du Travail, OFIAMT.

BRANDT, Philippe, M., Division politique III, Section ONU/OI, Département fédéral des Affaires étrangères.

BRUPBACHER, Stefan, M., Suppléant du Chef, Service des Affaires internationales, OFIAMT.

JEANNERET, Philippe, M., Suppléant du Chef, Division des Arts et Métiers, OFIAMT.

MAYORAZ, Eric, M., Secrétaire d'Ambassade, Mission permanente à Genève.

STOFFEL, Marie-Louise, Mme, Adjointe, Division du Marché du Travail, OFIAMT.

WALT, Siri, Mme, Collaboratrice diplomatique, DFAE, Section ONU/OI, Berne.

Délégué des employeurs

BARDE, Michel, M., Secrétaire général, Fédération des Syndicats patronaux (FSP).

Conseiller technique et délégué suppléant

PLASSARD, Alexandre, M., Secrétaire, Union centrale des Associations patronales suisses.

Conseillers techniques

LANGHART, Konrad, M., Président, Fédération suisse des Entreprises de placement privé et de Travail temporaire (FSEPT).

MEUWLY, Olivier, M., Secrétaire, Union suisse des Arts et Métiers (USAM).

NYDEGGER, Roland, M., Secrétaire, USAM.

STAUB, Georg, M., Secrétaire, FSEPT.

WEISS, Pierre, M., Secrétaire, FSP.

Délégué des travailleurs

MEIER, Margrit, Mme, Secrétaire dirigeante, Union syndicale suisse, (USS).

Conseiller technique et délégué suppléant

CRIDAZZI, Ursula, Mme, Secrétaire, Fédération des Sociétés suisses d'Employés (FSE).

Conseillers techniques

RINGEISEN ARNOLD, Barbara, Mme, Société suisse des Employés de Commerce (SSEC), Secrétaire centrale du Département politique professionnelle,

TORCHE, Denis, M., Confédération des Syndicats chrétiens de Suisse, (CSC).

Suriname

Minister attending the Conference

SNIJDERS, Erroll Glenn, Mr., Minister of Labour.

Government Delegates

BELFOR, Jimmy Laurens, Mr., Acting Deputy Secretary, Juridical and International Affairs.

MARICA, Clifford, Mr., Deputy Secretary, Labour Market.

Adviser and substitute delegate

GREP, Ewald, Mr., Policy Adviser.

Employers' Delegate

DE VRIES, Flip Henry, Mr., Adviser, Association of Suriname Manufacturers.

Workers' Delegate

KOORNAAR, Andre, Mr., Chairman, Progressive Workers' Organisation.

Swaziland Swaziland Swazilandia

Minister attending the Conference

DLAMINI, Absalom M., Mr., Minister of Labour and Public Service.

Government Delegates

NKHAMBULE, Jinno, Mr., Deputy Labour Commissioner.
KUNENE, Cyril, Mr.

Adviser and substitute delegate

TSABEDZE, Ernest, Mr.

Employers' Delegate

HLOPHE, Musa I., Mr., Federation of Employers.

Adviser

SHONGWE, Michael, Mr., Manager for Small Businesses Stanbic.

Workers' Delegate

SITHOLE, Jan, Mr., Federation of Trade Unions.

Adviser

NCONGWANE, Vincent V., Mr., Secretary General, Federation of Labour.

République arabe syrienne
Syrian Arab Republic
República Arabe Siria

Ministre assistant à la Conférence

KHALIL, Ali, M., Ministre des Affaires sociales et du Travail..

Personne accompagnant le Ministre

CHICHANI, Ibrahim, M.

Délégués gouvernementaux

KAHTAN, Sioufi, M., Directeur général, Etablissement général des Assurances sociales.
NASSER, Nasser Aldine, M., Conseiller du directeur des Relations internationales, Ministère des Affaires sociales et du Travail.

Conseillers techniques et délégués suppléants

KASSAB, Abdul-Sattar Yassine, M., Directeur du Travail, Ministère des Affaires sociales et du travail.
CHAMI, Bachar, M., Conseiller du Ministre.
AJAMYEH, Hasan, M., Directeur des Relations agricoles, Ministère des Affaires sociales et du Travail.
BITAR, Ilias, M., Directeur des Etudes juridiques, Ministère des Affaires sociales et du Travail.

Délégué des employeurs

SULEIMAN, Ali Kamel, M., Directeur général, Etablissement général des Industries alimentaires.

Conseillers techniques et délégués suppléants

AL-HENDI, Yehia, M., Président, Chambre d'Industrie de Damas.
MALAKANI, Abdul-Hamid, M., Membre, Conseil d'administration, Compagnie agricole Sham.

Délégué des travailleurs

ISSA, Mostafa, M., Secrétaire, Relations arabes et internationales, Confédération générale des Syndicats des Travailleurs.

Conseillers techniques et délégués suppléants

AL-LOUZY, Ibrahim, M., Secrétaire, Service de Santé, Confédération générales des Syndicats des Travailleurs.
KABBOUL, Adel, M., Président, Fédération des Syndicats des Travailleurs de Damas.

Tadjikistan Tajikistan
Tayikistán

Government Delegate

SHAKARIMOV, Yuldash, Mr., First Deputy, Minister of Labour and Employment.

Employers' Delegate

BOZOROV, Shavkat, Mr., President, National Association of Small and Medium Business.

Workers' Delegate

SALIKHOV, Murodali, Mr., Council of the Federation of Trade Union.

République-Unie de Tanzanie
United Republic of Tanzania
República Unida de Tanzania

Minister attending the Conference

KINYONDO, Sebastian Rukiza, Mr., Minister for Labour and Youth Development.

Person accompanying the Minister

IDDI, Pandu, Mr., Minister of State, Chief Minister's Office (Zanzibar); Member of parlement.

Government Delegates

KENYA, Hassan A., Mr., Principal Secretary.
ABDULSUR, Musoma, Mr., Deputy Principal Secretary (Zanzibar).

Advisers and substitute delegates

KILLO, Ibrahim Suleiman, Mr., Acting Labour Commissioner.
RUTABANZIBWA, Anthony Charles, Mr., Labour Officer, Personal Assistant to the Minister.
MCHUMO, Ali Said, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

MKULO, Mustafa Haidi, Mr., Director-General, National Provident Fund.
IDDI, Ramadhant Mapuri R., Mr., Commissioner for Labour (Zanzibar).
MALAMBUGI, Francis, Mr., Minister-Counsellor, Permanent Mission, Geneva.
KALANJE, Christopher Mariot, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

MAENDA, Africanus, Mr., Executive Director, Association of Tanzania Employers.

Adviser and substitute delegate

DAVID, Mtaka E., Mr., Director-General, Parastatal Pension Scheme.

Workers' Delegate

BRUNO, Mpangala, Mr., Secretary-General, Organisation of Tanzania Trade Unions.

Adviser and substitute delegate

KACHIMA, Moses Tito, Mr., Deputy Secretary-General, Organisation of Tanzania Trade Unions.

Tchad Chad Chad

Ministre assistant à la Conférence

DJIDDA, Ousman, M., Ministre de la Fonction publique et du Travail.

Délégués gouvernementaux

ABDOULAYE, Brahim Mahamat, M., Directeur général, Ministère de la Fonction publique et du Travail.
TERIA, Sindang, M., Directeur du Travail.

Conseiller technique et délégué suppléant

ZALBA ABDOULAYE, Mahamat, M., Directeur, Office national pour la Promotion et l'Emploi.

Délégué des travailleurs

DJIBRINE ASSALI, Hamdallah, M.

République tchèque
Czech Republic República Checa

Minister attending the Conference

VODICKA, Jindrich, Mr., Minister of Labour and Social Affairs.

Persons accompanying the Minister

DOSTAL, Jaroslav, Mr., Deputy Minister of Labour and Social Affairs.
KOLÁR, Pavel, Mr., Director-General, Office of the Minister of Labour and Social Affairs.

Government Delegates

SOMOL, Miroslav, Mr., Ambassador and Permanent Representative, Permanent Mission, Geneva.
RYCHLY, Ludek, Mr., Director-General, Ministry of Labour and Social Affairs.

Advisers and substitute delegates

PINTER, Ivan, Mr., Ministry of Foreign Affairs.
SKODA, Pavel, Mr., Second Secretary, Permanent Mission, Geneva.
FUCHS, Miroslav, Mr., Deputy Director, Ministry of Labour and Social Affairs.
STEINICHOVA, Ladislava, Ms., Head of Division, Ministry of Labour and Social Affairs.
PRENOSILOVA, Vera, Ms., Head of Division, Ministry of Labour and Social Affairs.
BRADLEROVA, Libuse, Ms., Adviser to the Prime Minister.

Employers' Delegate

PRIOR, Pavel, Mr., Vice-President, Union of Industry and Trade (UIT).

Adviser and substitute delegate

KUBICKOVA, Daniela, Ms., UIT.

Advisers

FENCL, Jan, Mr., Chairman, Union of Agricultural Cooperatives and Companies.
SKALA, Jiri, Mr., Union of Enterpreneurs in Building.
ERNST, Pavel, Mr., Union of Employer Associations.

Workers' Delegate

FALBR, Richard, Mr., Chairman, Czech-Moravian Chamber of Trade Unions.

Adviser and substitute delegate

BERAN, Vlastimil, Mr., Head, International Division, Czech-Moravian Chamber of Trade Unions.

Advisers

KUBINKOVA, Marcela, Ms., Head, Legal Division, Czech-Moravian Chamber of Trade Unions.

RUSNOK, Jiri, Mr., Head of Social-Economic Division, Czech-Moravian Chamber of Trade Unions.

HONEK, Jiri, Mr., Confederation of Art and Culture.

JIRKOVA, Adriena, Ms., Confederation of Art and Culture.

Thaïlande Thailand Tailandia

Minister attending the Conference

EARSAKUL, Chatchai, Mr., Minister of Labour and Social Welfare.

Persons accompanying the Minister

SRIPOLCHAROEN, Pansook, Mr., Adviser to the Minister.

VANNAPANICH, Thummasak, Mr., Adviser to the Minister.

Government Delegates

GARNJANA GOONCHORN, Krit, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

RANANAND, Prasong, Mr., Deputy Permanent Secretary, Ministry of Labour and Social Welfare.

Advisers and substitute delegates

INDRASUKHSRI, Chuthatawat, Mr., Deputy Director-General, Department of Labour Protection and Welfare, Ministry of Labour and Social Welfare.

PAYAKANITI, Supatra, Mrs., Director, International Affairs Division, Office of the Permanent Secretary, Ministry of Labour and Social Welfare.

VACHARATHIT, Viraphand, Mr., Minister Counsellor, Permanent Mission, Geneva.

LUMYONG, Pairat, Mr., Director, Employment Promotion Division, Department of Employment.

NAKCHUEN, Kamjorn, Mr., Director, International Labour Affairs Division, Department of Labour and Social Welfare; Ministry of Labour Social Welfare.

SAI-NGAM, Pongchote, Mr., Chief, Technical Cooperation Sub-division, International Labour Affairs Division, Office of the Permanent Secretary, Ministry of Labour and Social Welfare.

THENANONTA, Priabthip, Ms., First Secretary, Permanent Mission. Geneva.

Employers' Delegate

KUNANANTAKUL, Anantachai. Mr., President, Employers' Confederation.

Advisers and substitute delegates

BHAKDIBADHANABANIJ, Prasert, Mr., Secretary-General, Employers' Confederation.

THANMA, Supot, Mr., Adviser, Employers' Confederation.

Advisers

HORN, Daniel Leo, Mr., Adviser, Employers' Confederation.

PHATHANOTHAI, Sirin, Mrs., Adviser, Employers' Confederation.

SMITSENDONK, Anton G.O., Mr., Adviser, Employers' Confederation.

Workers' Delegate

BOONRAT, Banjong, Mr., Adviser, Thai Trade Union Congress.

Advisers

PORNPATANANIKOM, Banjong, Mr., President, National Congress of Private Employees of Thailand.

NUANSRI, Aroon, Mr., Executive Committee, National Congress of Thai Labour.

SUBSARN, Somboon, Mr., Deputy Secretary-General, State Enterprises Workers' Relations Confederation.

VORAPEBOONPONG, Chaiwat, Mr., Adviser, Thai Trade Union Congress

THAILUAN, Panus, Mr., President, National Congress of Thai Labour.

Togo

Ministre assistant à la Conférence

SAMBIANI, Liwoibe, M., Ministre de la Promotion de l'Emploi et de la Fonction publique.

Délégués gouvernementaux

KOMBATE, Kampatibe, M., Attaché de Cabinet.

AKOUETE, Tekpoh, M., Directeur Général du Travail et des Lois sociales par intérim.

Délégué des employeurs

N'GUISSAN, Komlan Ouattara, M., Conseil National du Patronat (CNP).

Délégué des travailleurs

ASSIMA, Gnoukouya, M.

Conseiller technique

ATINTOH, Marthurin, M.

Trinité-et-Tobago
Trinidad and Tobago
Trinidad y Tabago

Government Delegates

PARTAP, Harry, Mr., Minister of Labour and Cooperatives.

MC SHINE, Louis, Mr., Permanent Secretary, Ministry of Labour and Cooperatives.

Advisers

GEORGE, Preston, Mr., Labour Relations Officer I, Ministry of Labour and Cooperatives.

SUPERSAD, Madhuri, Ms., Planning Officer II, Ministry of Labour and Cooperatives.

RICHARDS, Mary Ann, Ms., Deputy Permanent Representative, Permanent Mission, Geneva.

JAMES, Max, Mr., Secretary for Labour, Cooperatives and Consumer Affairs, Tobago House of Assembly (THA).

Employers' Delegate

HILTON-CLARKE, W.A., Mr., Employers' Consultative Association.

Adviser

MAHARAJ, Seeram Ken, Mr., Adviser to the Representative of the Employers' Consultative Association.

Workers' Delegate

JOHN, Selwyn, Mr., General Secretary, National Trade Union Centre; President, National Union of Government and Federated Workers.

Adviser

ABERDEEN, Albert, Mr., First Vice-President, National Trade Union Centre; President, Transport and Industrial Workers Union.

Tunisie Tunisia Túnez

Ministre assistant à la Conférence

NEFFATI, Chadly, M., Ministre des Affaires sociales.

Personne accompagnant le Ministre

MORJANE, Kamel, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

KCHAOU, Mohamed, M., Directeur Général du Travail , Ministère des Affaires sociales.

BAATI, Moncef, M., Conseiller, Mission Permanente à Genève.

Conseiller technique et délégué suppléant

CHOUBA, Samia, Mme, Sous-directeur, Coopération internationale et des Relations extérieures, Ministère des Affaires sociales.

Conseillers techniques

YOUMBAÏ, Ahmed Ammar, M., Directeur Général, Inspection du Travail et de la Conciliation, Ministère des Affaires Sociales.

MAMOU, Hédi, M., Président Directeur général, Agence de l'Emploi.

BACCAR, Kadhem, M., Conseiller, Mission permanente à Genève.

MEGDICHE, Rabeh, M., Directeur adjoint des Normes, Ministère des Affaires Sociales.

BAHLOUL, Ezzine, M., Chargé de Mission, Ministère des Affaires sociales.

Autre personne assistant à la Conférence

HAJJI, Mokhtar, M., Diplomate stagiaire.

Délégué des employeurs

DJILANI, Hédi, M., Président, Union tunisienne de l'Industrie, du Commerce et de l'Artisanat (UTICA).

Conseiller technique et délégué suppléant

M'KAISSI, Ali, M., Conseiller directeur central, UTICA; Membre employeur adjoint, Conseil d'Administration du BIT.

Conseillers techniques

CHERIF, Tarek, M., Membre du Bureau Exécutif, UTICA.

NAGTI, Adel, M., Responsable à la Direction Sociale, UTICA.

BACHA, Rafika, M., Responsable à la Direction sociale, UTICA.

GHARIANI, Khélil, M., Directeur des Affaires sociales nationales.

Délégué des travailleurs

SAHBANI, Ismaïl, M., Secrétaire Général, Union générale tunisienne du Travail (UGTT).

Conseiller technique et délégué suppléant

GHODHBANI, Hédi, M., Membre du Bureau Exécutif, UGTT.

Conseillers techniques

AGUIR, Moncef, M., Membre du Bureau Exécutif, UGTT.
TRABELSI, Mohamed, M., Membre du Bureau éxécutif, UGTT.

Turquie Turkey Turquía

Minister attending the Conference

ÇELIK, Necati, Mr., Minister of Labour and Social Security.

Government Delegates

ULUÇEVIK, Tugay, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
TOPTAS, Ali, Mr., Under-Secretary, Ministry of Labour and Social Security (MLSS).

Advisers and substitute delegates

DURUSOY, Aydin, Mr., Minister-Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva.
SEREF, Midhat, Mr., Counsellor for Labour and Social Affairs, Permanent Mission, Geneva.

Advisers

KUTAL, Metin, Mr., Retired Academic, Faculty of Economics, University of Istanbul (UI).
ISIK, Rüçhan, Mr., Government Representative, Governing Body of the ILO.
DERELI, Toker, Mr., Academic, Faculty of Economics, UI.
IRBEÇ, Yusuf Ziya, Mr., Advisor to the Minister, Faculty of Economics and Administrative Sciences, University of Kocatepe.
ÖZER, Rifat, Mr., Assistant Under-Secretary, MLSS.
BASA, Ali Riza, Mr., Director General of Overseas Services, MLSS.
BASARAN, Güngör, Mr., Head of Research, Planning and Coordination Board.
ÖZBAY, Hayrettin, Mr., Adviser to the Minister, MLSS.
ISIKÇI, Kadir, Mr., Head of Department, General Directorate for Overseas Services, MLSS.
VURAL, Volkan T., Mr., First Secretary, Permanent Mission, Geneva.
OYMAN, Halit, Mr., Attaché, Labour and Social Security, Consul General of Turkey, Strasbourg.
ÖZMEN, Ozkan Suat, Mr., General Directorate for Overseas Services, MLSS.

Employers' Delegate

ATASAYAR, Kubilay, Mr., Secretary General, Turkish Confederation of Employers' Associations (TISK).

Advisers and substitute delegates

EREZ, Mesut, Mr., Chairman, Executive Board, Cement Production Employers' Association.
ALTINBASAK, Talha, Mr., Second President, Textile Industries Employers' Association.
CENTEL, Tankut, Mr., Professor, UI Law Faculty.
RONA, Ercüment, Mr., Secretary-General, Textile Industries Employers' Association.
BAYAZIT, Sancar, Mr., Secretary-General, Cement Production Employers' Association.

Advisers

ARSLAN, Türker, Mr., Deputy Secretary-General, Textile Industry Employers' Association.
PIRLER, Bülent, Mr., Deputy-Secretary General, TISK.
DOGAN, Ugurtan, Mr., Deputy Chief of Labour Relations Department, Sabanci Holding AS.
ÖZKAN, Ahmet Emin, Mr., Lawyer, Legal Counsellor, Turkish Employers' Association of Metal Industries.
BELEN, Esra, Mrs., Research Expert, TISK.

Workers' Delegate

MERAL, Bayram, Mr., President, Confederation of Turkish Trade Unions (TURK-IS).

Advisers and substitute delegates

DENIZER, Semsi, Mr., Secretary-General, TURK-IS.
POLAT, Zeki, Mr., President, TEKSIF.
OZBEK, Mustafa, Mr., President,, TURK-METAL.
BALTA, Orhan, Mr., President, TEKGIDA-IS.
GUVERGIN, Efendi, Mr., President, BELEDIYE-IS.
OZONUR, Mahmut, Mr., President, TES-IS.
KAYABASI, Hasan Hüseyin, Mr., President, TURKIYE MADEN-IS.
KOC, Yildirim, Mr., Advisor to the President, TURK-IS.
USLU, Salim, Mr., President, Confederation of HAK-IS.
BUDAK, Ridvan, Mr., President, Confederation of DISK.

Persons appointed in accordance with Article 2, paragraph 3(i)

ERALAN, Tamer, Mr., President, CIMSE-IS.
CETIN, Izzet, Mr., President, TÜRK HARB-IS.

Ukraine Ukraine Ucrania

Ministre assistant à la Conférence

BILOBLOTSKYI, Mykola, M., Ministre du Travail.

Délégués gouvernementaux

MAIMESKOUL, Mykola, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
VINOKOUROV, Andriy, M., Chef de la Division, Ministère des Affaires Etrangères.

Conseiller technique et délégué suppléant

YAMPOLSKY, Sergiy, M., Premier Secrétaire, Mission permanente à Genève.

Conseiller technique

MISCHENKO, Liliia, Mme, Department for Social Protection and Labour Relations, Cabinet of Ministers.

Délégué des employeurs

KINAKH, Anatoliy, M., Président, Union ukrainienne des employeurs.

Conseillers techniques et délégués suppléants

PONOMAREV, Vassil, M., Directeur général du Groupement industriel de relais et moyens d'automatisation.
MYROSHNYCHENKO, Oleksii, M., Directeur général, Union ukrainienne des employeurs.

Délégué des travailleurs

STOYAN, Alexandre, M., Président, Fédération des syndicats de l'Ukraine.

Conseiller technique et délégué suppléant

CHILOV, Vassil, M., Chef adjoint de la Division, Fédération des syndicats de l'Ukraine.

Uruguay

Ministro asistente a la Conferencia

PIÑEYRUA, Ana Lía, Sra., Ministro de Trabajo y Seguridad Social.

Delegado gubernamental

MANGADO, Juan Ignacio, Sr., Director Nacional de Trabajo.

DUTRA, Guillermo, Sr., Director Nacional de Empleo.

Consejeros técnicos y delegados suplentes

CALLORDA, Ariel, Sr., Asesor Letrado.
GARCIA ZEBALLOS, Daniel, Sr., Asesor Letrado, Ministerio de Trabajo y Seguridad Social.

Consejeros técnicos

RIVERO, Susana, Sra., Ministro, Representante alterno, Misión Permanente en Ginebra.
SGARBI, Carlos, Sr., Ministro Consejero, Misión Permanente en Ginebra.
DUPUY, Laura, Sra., Secretario, Misión Permanent en Ginebra.

Delegado de los empleadores

VARELA, Jacobo, Sr., Cámara Nacional de Comercio.

Consejero técnico y delegado suplente

PIVEL, Jorge, Sr., Cámara de Industrias.

Consejeros técnicos

BARRENECHEA, Rafael, Sr., Asociación Comercial.
AMEGLIO, Eduardo, Sr., Cámara de Industrias.
FERREIRA, Taliana, Sra., Cámara de Industrias.

Delegado de los trabajadores

BENTANCOR, Juan José, Sr., Plenario Intersindical de Trabajadores, Convención Nacional de Trabajadores (PIT-CNT).

Consejero técnico y delegado suplente

ZAPIRAIN, Héctor, Sr., PIT-CNT.

Venezuela

Delegados gubernamentales

CORRALES LEAL, Werner, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.
RODRÍGUEZ CEDEÑO, Victor, Sr., Embajador.

Consejeros técnicos

SUÁREZ, Naudy, Sr., Ministro Consejero, Misión Permanente en Ginebra.
ZULETA DE MERCHÁN, Carmen, Sra., Ministerio del Trabajo.
DEUTSCH, Haydée, Sra., Ministerio del Trabajo.
MENDOZA, Carolina, Sra., Tercer Secretario, Misión Permanente en Ginebra.

RIVERA, Marta, Sra., Tercer Secretario, Misión Permanente en Ginebra.
TOURON, Ióle, Sra., Agregado, Misión Permanente en Ginebra.

Delegado de los empleadores

DE ARBELOA, Bingen, Sr.

Consejeros técnicos

GARRIDO SOTO, Alexis, Sr.
MONGLAT MONGLAT, Pío, Sr.
GUEVARA-PERAZA, Arturo Cesar, Sr.
TRULLAS, Pedro, Sr.
REQUENA, Ricardo, Sr.
FEO LA CRUZ, Alejandro, Sr.

Delegado de los trabajadores

RAMÍREZ LÉON, Federico, Sr., Presidente, Confederación de Trabajadores.

Consejeros técnicos

NAVARRO, Carlos, Sr.
GIL, César, Sr.
CASTILLO, Tomás, Sr.
GIL, Samuel, Sr.
VILLASMIL, Humberto, Sr.
DE LEÓN TRUJILLO, Pedro, Sr.
ORTÍZ BRACAMONTE, Laureano, Sr., CODESA.
MEJÍA, Arfilio, Sr.
PETIT, Ramón, Sr.

Viet Nam

Minister attending the Conference

NGUYEN LUONG, Trao, M., Vice-Minister of Labour, Invalids and Social Affairs.

Government Delegates

LE LUONG, Minh, M., Ambassador, Permanent Representative, Permanent Mission, Geneva.
PHAN DUC, Binh, M., Deputy Director, Department of General and Legal Affairs, Ministry of Labour, Invalids and Social Affairs.

Advisers and substitute delegates

BUI QUANG, Minh, M., First Secretary, Permanent Mission, Geneva.
NGUYEN KIM, Phuong, M., Head of the ILO Affairs Section, Ministry of Labour, Invalids and Social Affairs.

Employers' Delegate

NGUYEN TIEN, Quan, M., Director General, Centre of Assistance for Development of Non-State Entreprises, National Council of the Alliance of Vietnamese Cooperatives and SMEs.

Adviser and substitute delegate

LE THANH, Nghi, M., Director General of Membership and Training Department, Chamber of Commerce and Industry.

Workers' Delegate

HOANG MINH, Chuc, M., Vice-President of the Vietnam General Confederation of Labour (VGCL).

Adviser and substitute delegate

NGUYEN XUAN, Tam, M., Expert at the Department of International Relations, VGCL.

Yemen

Minister attending the Conference

AL-TAIB, Mohamed Mohamed, Mr., Minister of Labour and Vocational Training.

Government Delegates

HAJAR, Zaid Mohamed, Mr., Chargé d'Affaires, Permanent Mission, Geneva.
AL-ANASI, Mohamed Abdullah, Mr., Under-Secretary, Ministry of Labour and Vocational Training.

Advisers

AL-OBTHANI, Faisal, Mr., First Secretary, Permanent Mission, Geneva.
AL-FOQUMI, Mohamed, Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

TABET, Ahmed, Mr., Counsellor General, Federation of Chambers of Commerce and Industry.

Adviser and substitute delegate

AL-ROUBAIDI, Abdullah, Mr., Director-General, Chamber of Commerce and Industry.

Adviser

AL-KUMAIM, Abdul Aziz Nasser, Mr., General Manager, Tobacco and Matches Company.

Workers' Delegate

AL-KAHLANI, Yahya Mohamed, Mr., President, General Federation of Workers' Unions.

Adviser

AL-JADARI, Mohamed Mohamed, Mr., Foreign Relations Secretary, General Federation of Workers' Unions.

Zambie Zambia Zambia

Minister attending the Conference

MACHUNGWA, P.D., Mr., Minister of Labour and Social Security.

Government Delegates

YOYO, A., Mr., Permanent Secretary.
NYIRENDA, E.J., Mr., Labour Commissioner.

Advisers and substitute delegates

SINYINZA, P.N., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
FUNDAFUNDA, I.B., Ms., Counsellor.

Adviser

KATONGO, E.M., Mr., First Secretary.

Employers' Delegate

MUSANA, D., Mr., Commissioner Workers' Compensation.

Adviser and substitute delegate

NONDE, Joan, Ms., Deputy Executive Director, Federation of Employers.

Advisers

NYATHANDO, M.E., Mr., Human Resources Director, National Commercial Bank.
MWANZA, H.I., Mr., Director, Human Resources, National Provident Fund.
MWIYA, M., Mr., Director, Human Resources, National Airports Corporation.

Workers' Delegate

CHIRWA, A.J., Mr., Secretary General, Congress of Trade Unions.

Zimbabwe

Minister attending the Conference

CHITAURO, Florence, Mrs., Minister of the Public Service, Labour and Social Welfare.

Government Delegates

DZVITI, P.Z., Mr., Chief Labour Relations Officer.
MUNYIRA, F.H.M., Mr., Permanent Secretary.

Advisers and substitute delegates

MUSHAMBI, C.C., Mr., A/Deputy General Manager, National Social Security Authority (NSSA).
ZAMCHIYA, S.M., Mrs., Principal Labour Relations Officer.

Advisers

HLATYWAYO, S., Mr., Assistant Director, Ministry of Public Service, Labour and Social Welfare.
CHIFAMBA, T.T., Mr., Chargé d'Affaires a.i., Permanent Mission, Geneva.
ZAVAZAVA, C.L., Mr., Minister Counsellor, Permanent Mission, Geneva.
KANYOWA, N., Mr., First Secretary, Permanent Mission, Geneva.
CHIKOROWONDO, M., Mr., First Secretary, Permanent Mission, Geneva.
NZUWAH, Mariyawanda, Mr., Chairman, Public Service Commission.
NZUWAH, Mariyawanda, Mr., Chairman, Public Service Commission.

Employers' Delegate

DHLAKAMA, L.G., Mr., President, Employers' Confederation of Zimbabwe (EMCOZ).

Workers' Delegate

SIBANDA, G., Mr., President, Zimbabwe Congress of Trade Unions (ZCTU).

OBSERVATEURS

OBSERVERS

OBSERVADORES

République pop. démo. de Corée Democratic people's rep. of Korea República Popular demo. de Corea

Représentants

HAN, Chang On, M., Représentant permanent, Mission permanente à Genève.

JO, Sung ju, M., Conseiller, Mission permanente à Genève.

RI, In Sil, Mme, Attaché, Mission permanente à Genève.

Saint-Siège The Holy See Santa Sede

Représentants

BERTELLO, Giuseppe, Mgr., Nonce apostolique, Représentant permanent, Mission permanente à Genève.

MAGEE, Peter, Mgr., Conseiller, Mission permanente à Genève.

DE GREGORI, Massimo, M.

ROCH, Raymond, M.

SALINA, Giorgio, M.

COLANDREA, Anne-Marie, Mlle

REPRÉSENTANTS DES NATIONS UNIES, DES INSTITUTIONS SPÉCIALISÉES ET D'AUTRES ORGANISATIONS INTERNATIONALES OFFICIELLES

REPRESENTATIVES OF THE UNITED NATIONS, SPECIALIZED AGENCIES AND OTHER OFFICIAL INTERNATIONAL ORGANIZATIONS

REPRESENTANTES DE LAS NACIONES UNIDAS, DE LOS ORGANISMOS ESPECIALIZADOS Y DE OTRAS ORGANIZACIONES OFICIALES

Nations Unies
United Nations
Naciones Unidas

BUTTENHEIM, Lisa, Ms., Senior Political Adviser.

KHMELNITSKI, Serguei, Mr., Inter-Agency Affairs Officer.

SÈNE, Alioune, Mr., United Nations Centre for Human Settlements (HABITAT).

***

OTHMAN, Khalil, Mr., Vice Chairman Inspector, Joint Inspection Unit.

MEZZALAMA, Francesco, Mr., Inspector, Joint Inspection Unit.

HERNANDEZ, Homero, Mr., Inspector, Joint Inspection Unit.

ANDRONOV, Evgueni, Mr., Senior Research Officer, Joint Inspection Unit.

KHADHAOUI, Mhairi, Mrs., Research Assistant, Joint Inspection Unit.

Conférence des Nations Unies sur le commerce et le développement
United Nations Conference on Trade and Development
Conferencia de las Naciones Unidas sobre Comercio y Desarrollo

RUFFING, L., Ms., Chief, Enterprise Strategies and Accounting Division on Investment Techonology and Enterprise Devlopment.

FISCHER, Günter, Mr., Economic Affairs Officer, Division on Investment Technology and Enterprise Development.

OGNIVTSEV, V., Mr., Economic Affairs Officer, Division on International Trade in Goods, Services and Commodities.

JACHIA, L., Ms., Associate Economic Affairs Officer, Division on International Trade in Goods, Services and Commodities.

BEHNAM, A., Mr., Secretary, Trade and Development Board.

Programme des Nations Unies pour l'environnement
United Nations Environment Programme
Programa de las Naciones Unidas para el Medio Ambiente

ATTAR, Gertrud, Ms.

Fonds des Nations Unies pour l'enfance
United Nations Children's Fund
Fondo de las Naciones Unidas para la Infancia

ROBERFROID, André, Mr., Director, Regional Office for Europe.

BASSANI, Bilge Ogun, Ms., Deputy Director, Regional Office for Europe.

SCHELLINSKI-MAGAZZENI, Kristina, Ms., Public Affairs Officer.

FYFE, Alec, Mr.

Haut Commissariat des Nations Unies pour les réfugiés
Office of the United Nations High Commissioner for Refugees
Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados

BERGLUND, Stfan, Mr., Senior Inter-Organization Officer.

VAN ZIJT, Casper, Mr., Associate Inter-Organization Officer.

Fonds des Nations Unies pour la population
United Nations Population Fund
Fondo de Población de las Naciones Unidas

MACDONALD, Alphonse, Mr., Chief, European Liaison Office.

Programme des Nations Unies pour le développement
United Nations Development Programme
Programa de las Naciones Unidas para el Desarrollo

BONEV, Evlogui, Mr., Senior Adviser.
SKAAREN-FYSTRO, Gro, Ms., Programme Officer, European Office.
ROGIVUE, Jean-Claude, Mr., United Nations Volunteers.
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Programme alimentaire mondial
World Food Programme
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UDAS, Bhim K., Mr., Deputy Director, Geneva Office.

Organisation des Nations Unies pour l'alimentation et l'agriculture
Food and Agriculture Organization of the United Nations
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Organisation des Nations Unies pour l'éducation, la science et la culture
United Nations Educational, Scientific and Cultural Organization
Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura

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Organisation mondiale de la santé
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Fonds monétaire international
International Monetary Fund
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Organisation des Nations Unies pour le développement industriel
United Nations Industrial Development Organization
Organización de las Naciones Unidas para el Desarollo Industrial

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Agence internationale de l'énergie atomique
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Organisation mondiale du Commerce
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Organización Mundial del Comercio

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Organisation internationale pour les migrations
International Organization for Migration
Organización Internacional para las Migraciones

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Organisation de l'unité africaine
Organization of African Unity
Organización de la Unidad Africana

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Centre régional africain d'administration du travail
African Regional Labour Administration Centre
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Communauté des Caraïbes
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Organisation arabe du travail
Arab Labour Organization
Organización Arabe del Trabajo

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Ligue des Etats arabes
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Liga de Estados Arabes

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Organisation de la Conférence islamique
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Union européenne
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COMMISSION

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CONSEIL

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Confédération internationale des syndicats libres
International Confederation of Free Trade Unions
Confederación Internacional de Organizaciones Sindicales Libres

JORDAN, Bill, Mr., General Secretary.
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Confédération mondiale du travail
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Confederación Mundial del Trabajo

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Fédération syndicale mondiale
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Organisation internationale des employeurs
International Organization of Employers
Organización Internacional de Empleadores

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Organisation de l'unité syndicale africaine
Organisation of African Trade Union Unity
Organización para la Unidad Sindical Africana

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Alliance internationale des femmes
International Alliance of Women
Alianza Internacional de Mujeres

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Alliance internationale du spectacle
International Entertainment Alliance

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Amnesty International
Amnistie Internationale
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Association américaine de juristes
American Association of Jurists
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Association internationale de la sécurité sociale
International Social Security Association
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Association internationale des universités du troisième âge
International Association of Universities of the Third Age
Asociación Internacional de Universidades para la Tercera Edad

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Association mondiale des guides et des éclaireuses
World Association of Girl Guides and Girl Scouts
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Association mondiale des services d'emploi publics
World Association of Public Employment Services
Asociación Mundial de los Servicios Públicos de Empleo

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Centrale latinoaméricaine des travailleurs
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Centre européen pour les travailleurs
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Centre international pour les droits syndicaux
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Commission syndicale consultative auprès de l'Organisation de coopération et de développement économiques
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Confédération européenne des syndicats
European Trade Union Confederation
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Confédération européenne des syndicats indépendants
European Confederation of Independent Trade Unions
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Confédération générale des syndicats
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Confédération internationale des cadres
International Confederation of Executive Staff
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Confédération internationale des entreprsies de travail temporaire
International Confederation of Temporary Work Organizations
Confederación Internacional de las Empresas de Trabajo Temporero

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Confédération internationale des fonctionnaires
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Confederacion Internacional de Funcionarios

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Confédération internationale des syndicats arabes
International Confederation of Arab Trade Unions
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Confédération syndicale mondiale de l'enseignement
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Congrès juif mondial
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Congrès permanent de l'unité syndicale des travailleurs d'Amérique latine
Permanent Congress of Trade Union Unity of Latin American Workers
Congreso Permanente de la Unidad Sindical de los Trabajadores de América Latina

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Conseil international des femmes
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Conseil international des femmes juives
International Council of Jewish Women
Consejo Internacional de Mujeres Judías

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Conseil international des infirmières
International Council of Nurses
Consejo Internacional de Enfermeras

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Conseil syndical du Commonwealth
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POWER, L., Mr., Education Officer.
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Fédération abolitionniste internationale
International Abolitionist Federation
Federación Abolicionista Internacional

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Fédération africaine des syndicats des mines, de l'énergie, chimie et assimilés
African Federation of Miners, Energy, Chemical and Allied Trade Unions
Federación Africana de Sindicatos Mineros, de la Energía, la Química y Afines

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Arab Federation of Employees in Banking, Insurance and Finance
Federación Arabe de Empleados de la Banca, Seguros y Negocios Financieros

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Fédération arabe des ouvriers du pétrole, des mines et industries chimiques
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Fédération arabe des travailleurs des transports
Arab Federation of Transport Workers
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Fédération des associations de fonctionnaires internationaux
Federation of International Civil Servants' Associations
Federación de Asociaciones de Funcionarios Internacionales

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Fédération internationale des assistants sociaux
International Federation of Social Workers
Federación Internacional de Trabajadores Sociales

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Fédération internationale des cadres des transports

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Fédération internationale des employés, techniciens et cadres
International Federation of Commercial, Clerical, Professional and Technical Employees
Federación Internacional de Empleados, Técnicos y Profesionales

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Fédération internationale des femmes diplômées des universités
International Federation of University Women
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Fédération internationale des journalistes
International Federation of Journalists
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International Federation of Human Rights Leagues

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Federación Internacional de Trabajadores de las Industrias Metalúrgicas

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Fédération internationale des ouvriers du transport
International Transport Workers' Federation
Federación Internacional de los Trabajadores del Transporte

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Fédération internationale syndicale de l'enseignement
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Fédération internationale des syndicats de travailleurs de la chimie, de l'énergie, des mines et des industries diverses
International Federation of Chemical, Energy, Mine and General Workers' Unions
Federación Internacional de Sindicatos de Trabajadores de la Química, de la Energía, Minas e Industrias Diversas

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Fédération internationale des travailleurs du bâtiment et du bois
International Federation of Building and Woodworkers
Federación Internacional de Trabajadores de la Construcción y la Madera

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Fédération internationale des travailleurs du textile, de l'habillement et du cuir
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Fédération mondiale des associations pour les Nations Unies
World Federation of United Nations Associations
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World Federation of Agriculture, Food, Hotel and Allied Workers
Federación Mundial de Trabajadores de la Agricultura, Alimentación, Hotelería y Afines

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Internationale de l'éducation
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Internationale du personnel des Postes, Télégraphes et Téléphones
Postal, Telegraph and Telephone International
Internacional de Correos, Telégrafos y Teléfonos

BOWYER, Philip, Mr., General Secretary.
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PEDERSEN, John, Mr., Assistant Secretary.
NEVES, Luis, Mr., Assistant Secretary.
NEDZYNSKI, Stefan, Mr., Honorary General Secretary.
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Internationale des services publics
Public Services International
Internacional de Servicios Públicos

ENGELBERTS, Hans, Mr., General Secretary.
LEATHER, Alan, Mr., Deputy General Secretary.
SALOMON, Maria, Ms., Press and Publicity Officer.
WAGHORNE, Mike, Ms., Assistant General Secretary.
TURNER, Brian, Mr., Finance Officer.
KPODAR, Teko, Mr., African Regional Secretary.
TAYLOR, Adrienne, Ms., Asia and Pacific Regional Secretary.
ROSS, Christine, Ms., Education Officer.
CARL, Alice, Ms., Research Officer.
BHAN, Jay, Mr., South Asia Regional Representative.
ANANDALAKSHMI, Vaidhiyana, Ms., Education Coordinator.
LEFEBVRE, Jean, Mr.
TOURNEAU, Guy, Mr.
FIELDING, Bob, Mr., Consultant.
MASTROIANNI, Gerardo, M., President
RUBIO, Roberto, M., Organisation Secretary.

Jeunesse ouvrière chrétienne internationale
International Young Christian Workers
Juventud Obrera Cristiana Internacional

OLAVERE, Dominador Rey, Mr., General Secretary.
TARRIT, Sylvain, Mr., National Coordinator, Switzerland.

Ligue internationale pour les droits et la libération des peuples
International League for the Rights and Liberation of Peoples
Liga Internacional por los Derechos y la Liberación de los Pueblos

GRAF, Verena, Ms., Secretary-General.
BONARDI, Andrea, Mr.

Ligue internationale des femmes pour la paix et la liberté
Women's International League for Peace and Freedom
Liga Internacional de Mujeres por la Paz y la Libertad

BALLANTYNE, Edith, Ms., International President.
LOCHBIHLER, Barbara, Ms., Secretary-General.
TAMANO, Hazel, Ms.
WÖLTE, Sonja, Ms.
SON, Hjoo, Ms.

Mouvement international ATD Quart Monde
International Movement ATD Fourth World
Movimiento Internacional ATD Cuarto Mundo

VOS VAN STEENWIJK, A.A., Mme, présidente.
NOYER, Béatrice, Mme, Conseiller.
TONGLET, Jean, M., Conseiller.
ROMAZZOTTI, Bruno, M., Représentant à Genève.

Mouvement mondial des travailleurs chrétiens
World Movement of Christian Workers
Movimiento Mundial de Trabajadores Cristianos

KLEIN, Norbert, Mr., General Secretary.

Nord-Sud XXI
North-South XXI

EL HAMDI, Omar, M., Secrétaire général.
CHARVIN, Robert, M., Secrétaire.
BOUAZIZ, Mohamed, M., Coordinateur.
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CERQUEIRA, Silas, Mr.

Organisation démocratique syndicale des travailleurs africains
Democratic Organization of African Workers' Trade Unions
Organización Democrática Sindical de los Trabajadores Africanos

KIKONGI, Fernand, M., Président.
SOW, Alioune, M., Secrétaire général.
AKOUETE, Adrien B., M., Secrétaire général adjoint.

Organisation internationale de l'énergie et des mines
International Energy and Mines' Organisation
Organización Internacional de Energía y Minas

SIMON, Alain, M.
DUTEIL, François, M.
ESCOFFIER, Jean-Paul, M.

Organisation mondiale du haut collège international des experts
International Head College of Experts

MAZIN, Robert, M., Président du Haut collège.
CANIZARES, Marie-Josè, Mme

Organisation mondiale contre la torture
World Organization Against Torture
Organización Mundial contra la Tortura

SOTTAS, Eric, M., Directeur.
MEJIA, Fernando, M., Directeur adjoint.
SCHONVELD, Benjamin, M., Chargé de programme.
LACROIX, Anne-Laurence, Mme, Chargée de programme.
DOMMEN, Edward, M., Responsable, Programme sur la promotion des droits sociaux économiques et du droit au développement.
BENNINGER-BUDEL, Catharina, Mme, Chargée de projet.
RALOFF, Anke, Mlle
BALLIVET, H., Mrs., Chargée de mission.

Organisation mondiale des travailleurs asiens
World Asian Workers Organisation
Organización Mundial de Trabajadores de Asia

NEWNS, Peter A., Mr., President.
SAEED, Haji Muhammad, Mr., Secretary-General.
KRISHNA, C.J., Mr., Branch Chairman.
SIVALINGAM, Mr., Secretary-General.
QURESHI, Nisar H., Mr., Member, Executive Board.
CORANLIS, W., Mr., Branch Chairman, Sri Lanka.
JAVED, Ch. Tariq, Mr., Legal Advisor.
BHATTI, W. B., Mr., Branch Chairman, USA.
RAHMAN, Abdul, Mr., Member, Executive Board.
IKRAM-UL-HAQ, Mr., Branch Secretary, Belgium.
LIAQAT, Ali, Mr., Vice President.
AFZAL, Mohammad, Mr., Secretary, Information.
RAFIQUE BUTT, Muhammad, Mr., Member, Executive Board.

Pax Christi International

VITTORI, Jacques, M.
AULA, Alessandra, Mlle
FALAIZE, Robert, M.

Société anti-esclavagiste internationale
Anti-Slavery International

DOTTRIDGE, Mike, Mr.

Société interaméricaine d'éducation et de formation en matière d'environnement
Interamerican Partnership for Environmental Education and Training
Sociedad Interamericana de Educación y Capacitación Ambientales

BOGGS, Michael D., Mr., President.
CABRERA, Aníbal, Mr., Executive Director.
ATKINS, Williams D., Mr., Adviser.
ARANA, Sergio, Mr., Adviser.

Solidar

ALHADEFF, Giampiero, Mr., Secretary-General.
HANSSEN, Halle Joern, Mr., Vice-President.

Soroptimist International

KLOPFENSTEIN, Nicole, Ms.
GUERINOT, Benedicte, Ms.
NORDBACK, Inger Sofie, Ms.

Union générale des chambres de commerce, industrie et agriculture des pays arabes
General Union of Chambers of Commerce, Industry and Agriculture for Arab Countries
Unión General de Cámaras de Comercio, Industria y Agricultura de los Países Arabes

GHANTOUS, Elias, Mr., Assistant Secretary-General

Union internationale chrétienne des dirigeants d'entreprise
International Christian Union of Business Executives
Unión Internacional Cristiana de Dirigentes de Empresa

KLEIN, Jean-Pierre, M., Représentant à Genève.

Union internationale des syndicats des travailleurs de l'énergie
Trade Unions International of Workers in Energy
Unión Internacional de los Sindicatos de Trabajadores Energéticos

MIELNICKI, Eugeniusz, M., Secrétaire général.
JUREK, Michel, M., Conseiller.

Union internationale des syndicats des travailleurs des transports
Trade Unions International of Transport Workers
Unión Internacional de Sindicatos de Trabajadores de los Transportes

TOTH, Jozsef, Mr., General Secretary.

Union internationale des travailleurs de l'alimentation, de l'agriculture, de l'hôtellerie-restauration, du tabac et des branches connexes
International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
Unión Internacional de Trabajadores de la Alimentación, Agrícolas, Hoteles, Restaurantes, Tabaco y Afines

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CHAMORRO, Amalia, Ms.
LONGLEY, Sue, Ms.
MURAKAMI, Emiko, Ms.
OSWALD, Ron, Mr.
ROSSMAN, Peter, Mr.
WEINZ, Wolfgang, Mr.
AGUDELO, Mario, Mr.
IGLESIAS, Enildo, Mr.
RANNIKO-PASANEN, Outi, Ms.

Union interparlementaire
Inter-Parliamentary Union
Unión Interparlamentaria

CORNILLON, Pierre, M., Secrétaire général.
TCHELNOKOV, Serguei, M., Chargé des questions économiques et sociales.

Union latino-américaine des travailleurs municipaux
Latin American Union of Municipal Workers
Unión Latinoamericana de Trabajadores Municipales

ATANASOF, Alfredo Nestor, Sr.
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MORALES, Nestor, Sr.
RUGGIERO, Oscar Tomás, Sr.
LEONI, Claudio, Sr.
TISCHLER, Manuel, Sr.
FARRAN, Fortunado, Sr.
DELLA PUPPA, Domingo, Sr.
BARROS, Justo, Sr.
PEDELHEZ, Miguel David, Sr.
FERNANDEZ, Jose Manuel, Sr.
CUARTANGO, Oscar Antonio, Sr.
MARIANI, Rodolfo Sergio, Sr.
SLUGA, Juan Carlos, Sr.
LEIVA, Néstor, Sr.
CUARTANGO, Gonzalo Oscar, Sr.
ARSLANIAN, Lucía, Sra.
FARRAN, Pedro Roque, Sr.

Union mondiale des organisations féminines catholiques
World Union of Catholic Women's Organizations
Unión Mundial de las Organizaciones Femeninas Católicas

BARTER-HEMMERICH, U., Ms.

Union syndicale des travailleurs du Maghreb arabe
Union of Workers of the Arab Maghreb
Unión Sindical de Trabajadores del Maghreb Arabe

FITOURI, Chtioui, M., Secrétaire général adjoint.
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JIHAOUI, Bechir, M.

Zonta International

BRIDEL, Danielle, Mme, Représentante à Genève.

MOUVEMENT DE LIBERATION

LIBERATION MOVEMENT

MOVIMIENTO DE LIBERACION

Palestine   Palestine

Palestina

GHOCHEH, Samir, Mr., Minister of Labour.
AL-SABBAH, Mohammed Mahmoud, Mr.
RAMLAWI, Nabil, Mr., Permanent Observer, Geneva.
EL-KHALILI, Ghazi, Mr.
CHANTI, Hani, Mr.
AL-ADJOURI, Taissir, Mr.
AL-HAJJAWI, Husam, Mr., Employer Representative.
ABU AL-LAIL, Mohammed Mahmoud, Mr., Worker Representative.
KHREISHI, Khaled, Mr., First Secretary, Permanent Mission, Geneva.
SAED, Shaher, Mr., Worker Representative.
ALBAYARI, Rasem, Mr., Worker Representative.
EL-NATSHEH, Samour, Mr., Worker Representative.
ATIAH, Adel, Mr., Worker representative.
JUBRAN, Riad, Mr.
AL RESHEK, Mohamed, Mr.

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GRAY, C., M. (Travailleur, Etats-Unis)

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[illegible] de l'application des normes

Président

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[illegible] de la création d'emploi dans [illegible] moyennes entreprises

Président

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AGYEI, C. A., Mme., (Travailleur, Ghana)

[illegible] du travail en sous-traitance

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Commission de l'amendement constitutionnel et du règlement

Président

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